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THOUGHTS

ON

POLYGAMY

[PRICE SIX SHILLINGS IN BOARDS.]



T H O U G H T S
Wychey O N *1789*
P O L Y G A M Y,

SUGGESTED BY THE DICTATES OF
Scripture, Nature, Reason, and Common-sense;
WITH A DESCRIPTION OF
MARRIAGE and its OBLIGATIONS;

A CONTEMPLATION OF OUR
National SYSTEM of LAWS relative thereto;
AND PARTICULARLY AN
EXAMINATION of 26 GEO. II. Ch. 33.

COMMONLY CALLED
The MARRIAGE ACT.
INCLUDING REMARKS ON
THELYPHTHORA and its SCHEME;
WITH SOME
Hints for the Prevention of Prostitution.

By JAMES COOKSON, CLERK, A.B.
OF QUEEN'S COLLEGE, OXFORD; RECTOR OF COLEMERE
AND PRIOR'S-DEANE, HANTS.

I N T W O P A R T S,

Quid enim laboro nisi ut VERITAS in omni questione explicetur?
Cic. Tusc. Disputat. lib. iii. cap. 20.

*"Polygamy can never be endured under any Rational Civil
Establishment."*—Blackstone's Comment. b. iv. c. 13.

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TO THE
HONOURABLE MRS. JOLLIFFE,
THE FOLLOWING DEFENCE
OF OUR
NATIONAL SYSTEM OF LAWS
RELATIVE TO MARRIAGE,
THE PROTECTION OF WHICH HAS
DISTINGUISHED THE
PARLIAMENTARY CONDUCT
OF HER
WORTHY CONSORT,
IS,
WITH ALL
GRATITUDE AND HUMILITY,
MOST RESPECTFULLY INSCRIBED,
BY HER MOST OBEDIENT
AND
DEVOTED HUMBLE SERVANT,
JAMES COOKSON.



Samuel J. Marchant
1822-1911

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E R R A T A.

Page 18, for *Comana* read *Comana*. Page 31, for *would* read *could*. Page 32, for 389 (in the margin) read 398. Id. for *shocks* read *shock*. Page 37 for *punishment* read *punishments*. Page 40, for *we do* read *do we*. Page 48, for *privilege* read *privileges*. Page 64, for *Fat* read *Nat*. Page 70, for vol. I. p. 13, read vol. I. p. 183. Page 84, for *uninfluenced* read *uninformed*. Page 100, for *tend* read *tends*. Page 105, for p. 181 (in the margin) read 281. Page 117, for *ως* read *ως*. Page 140, for אשתו אשתו read אשתו. Page 156, for III. read III. Page 165, for διορθώματα read διορθώματα. Page 176, for διορθώσω read διορθέσω. Page 198, for p. 438 read p. 423. Page 205, for *absurdity* read *absurdities*. Page 208, after the words *New Testament*, delc *it*. Page 228, for *and which*, read *and in which*. Page 287, for *hæreticum* read *hæreticum*. Page 303, for καλλώμενος read καλλώμενος. Page 304, for *περιη* read *περιη*. Page 320, for דאשתו read ואשתו. Page 337, for *state of nature* read *in a state of nature*. Page 344, for *erronisusly* read *erroneously*. Page 347, for *that inveteracy of habit* read *the inveteracy of habit*. Page 351, for *consequence* read *consequences*. Page 367, for פלגיש read פלגיש. Page 410, for *how much this* read *how much this is*. Page 422, for *are* read *is*. Page 444, for ch. 23 read ch. 33. Page 445, for *national virtue* read *national virtues*. Page 473, for *civil intents* read *all civil intents*. Page 479, for *witnefs* read *witnesses*.

PART THE FIRST:

CONTAINING PARTICULARLY

R E M A R K S

ON

Thelyphthora and its Scheme ;

INCLUDING HINTS FOR THE

PREVENTION of PROSTITUTION.

WITH OTHER

Matters incidental to the main Subject.



INTRODUCTION.

ABOUT a year ago THELYPHTHORA was recommended to the Author's reading, as a book that contained, in several parts of it, such plausible arguments, as did not appear to be easily confuted. From these suggestions he read over carefully that Treatise, and gave it as his opinion, that there was not that strength of argument which people seemed to apprehend. In consequence of this declaration, he was pressed, with some earnestness, to commit to writing those reasons that induced him to think so. Impelled, not only by this, but by an anxious concern for the welfare of the present and future generations, the writer publishes *those reasons*, in hopes that they will be found generally useful, which may apologize for

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troubling the public with his sentiments on a subject, concerning which so much has been already said,

THE above-mentioned elaborate work, with the additional consequence of a second edition, which called into the literary world this production, it was supposed at first, would have been universally condemned :—but experience has already shewn the supposition to be ill-founded. Its doctrines, supported by an appearance of great learning, and too well adapted to the taste of a licentious age, though generally, are far from being universally exploded. The advocates for this work, excepting those who admire it only for the licentiousness of its principles, may be supposed, regardless of the *means*, to look forward to the desirable end proposed, of preventing seduction ;—to which end, however, it is greatly inadequate, and must

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must certainly *mislead* them, if no friendly information intervenes. For these reasons the author of the following sheets has attempted to administer an antidote to its poison. He is sensible that it has been answered in some points of view, very ably.— But even supposing it fully answered before this book is submitted to *public inspection*; yet it may be useful to many, since amongst mankind there are varieties of tempers, dispositions and geniuses; and great difference as to the magnitude of natural and acquired abilities; as also different perceptions and ideas in the same, as well as unequal degrees of improvement of the mental faculties;— consequently there is a necessity for writers of various abilities to demonstrate truths to communities, composed of different orders of men. And as writers of humble abilities may by some happy thoughts very much recommend and support a good cause, every

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author should have at least a candid hearing, and particularly those whose real intention can be no other than to encrease or secure the happiness of mankind.—Such is the scope of the present undertaking—such the design of its author; for he has no lucrative views, nor has he vanity enough to suppose he shall receive any pecuniary advantage from a work of this nature. He is sensible of many faults in point of composition; but it is not high sounding words, or round periods, that he has studied; he has endeavoured to say what, as a lover of truth and a friend to mankind, he ought to say, in familiar language.—He feels himself totally uninfluenced by any human authority, except such as is clearly founded upon the divine law; but if in any interpretation thereof he has fallen into mistakes, which however he has been anxious to avoid, all candid information will not only be attended to, but most gratefully

INTRODUCTION. xvii

fully received.—It is only by the true standard that we can rightly judge of corruptions ; therefore it is highly necessary that the Scriptures should be exhibited in a true light, and particularly the doctrines of CHRIST.—None are so likely to know those doctrines as the Apostles themselves, and those who lived, and conversed with, and were instructed by, them.—The primitive Fathers, if they were not infallible expositors, at least delivered the *traditional* sense and interpretation of the Holy Scriptures. If this doctrine is admissible, then we may safely depend on what they say.

BUT, with respect to Thelyphthora, it cannot but be evident to every discerning reader, that a gross mistake runs through the whole, from not distinguishing principles and laws of moral duty, from outward particular independent acts. But though the author of that book has fallen into those fundamental errors

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errors as a reasoner, he is certainly more happy as a writer ; for he has great merit in the management of the controversy, in regard to acuteness, beauty, and energy of expression. Yet if we examine accurately his embellished arguments, nothing appears but splendid colourings, artfully contrived to varnish over the deformities of error.

IN this answer to Thelyphthora, though internal evidence has not been wholly neglected, yet more attention has been paid to external ; because the former has been already much attended to by some learned gentlemen. In the remarks, which this book contains on certain passages—which passages consisted only of bold assertions, without any proof, or notice of former replies to the same principles, it has been thought necessary only to oppose positive assertions with some references to authors, if of material consequence in the controversy, where the
sub-

INTRODUCTION. xix

subject might be found discussed at large. And as to *general* assertions, they deserve no more than general answers, and they have been treated in this manner, except when the occasion particularly demanded to descend to particulars.—Indeed without descending to particulars, there is no probability of convincing an inquisitive reader

THE writer of the following pages has been careful to obviate every suggestion against the evidence of traditional testimony, by which the doctrines of CHRIST are conveyed to succeeding ages. And, he flatters himself, that a satisfactory vindication of the primitive Fathers, will be met with in this treatise—a vindication from the censures of a certain writer, equally untrue as ungenerous. Being a man of *no ceremony* he has involved them all in the general accusation of lying, upon many occasions.—But who does not see the falsity and design of such charges?

A lie

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A lye is to state something as matter of fact, which is not such, with an intention to deceive.—Where is there, in the writings of the antient Fathers, any thing of this description?—Where do they misrepresent facts—where do they shew the least inclination to deceive? Though those excellent men have most faithfully bore their testimony to the truth, yet they have been treated, as might be expected from a determined opposer of our ecclesiastical establishment, with the greatest scurrility. From what is said in answer, relative to the first Saints of Christianity, if it does not make the author of Thelyphthora blush, it may probably make men of *more modesty* blush for him.

It is most astonishing to conceive how the author under consideration, could have the assurance to quote Puffendorf, Grotius, and other writers of authority, who are all *declared monogamists* and *opposers* of all his leading

INTRODUCTION. xxi

leading positions.—In reality his quotations in general are extremely partial—they are so detached that they quite misrepresent the meaning and intention of the author, in almost every important point.

BUT quitting Thelyphthora for a moment, to consider the fate of this answer to it.—It may be objected that this book only opposes an expiring cause.—This is not an objection of weight, because other replies have been partial—this treats the subject more at large; and besides, as it is not written so much from a desire of engaging in controversy, as to convey general information, on the matters about which it treats, it is to be hoped that it will always be a work of utility, and that the lateness of its appearance will be no objection to the reading of it. Many decline reading controversial books, merely from an idea that the subject is trite; but there may be no impropriety in reminding
them

xxiv INTRODUCTION,

The prejudices thoughtlessly contracted thereby, may not easily be done away.—That it will be acceptable to the licentious needs no proof; but as it is artfully disguised in the sober dress of Religion, it is much to be feared that it may debauch the principles of better men, and, of course, their morals; and in its consequences be dangerous to christian purity in general, as well as domestic peace.—Most certainly it is the duty, and it is hoped will be the endeavour of every good citizen to oppose those pernicious effects, which if opposed effectually, the memories of men of such honesty and benevolence, will be revered by grateful generations yet unborn.

P A R T

T H O U G H T S
O N
P O L Y G A M Y.

P A R T the F I R S T.

Of THELYPHTHORA and its SCHEME.

C H A P. I.

G E N E R A L R E F L E C T I O N S.

I DO aver, upon my honour, that I have not the least personal dislike for the Rev. Martin Madan; on the contrary, I have the highest respect for him as a man of learning and ability: but notwithstanding I do, and most sincerely too, disclaim all enmity towards the writer; yet, the goodwill that I have for mankind in general, productive of a desire to promote their happiness, and that of the female part in particular, naturally

B

leads

leads me to censure his writings entitled THELYPHTHORA. I do not say that this publication has sprung from the dregs of libertine principles, which Law and Divinity united cannot remove, or indeed from any bad motive ; its declared design is of a contrary complexion, and I do not call in question, but readily subscribe to, its sincerity. I suppose that Madan, as well as many other good men, lamenting the profligacy of the times, and especially that shameful prostitution, which obtains so much among the abandoned part of the female world, turned his thoughts to a mode for its prevention ; but unfortunately in pursuit of this benevolent scheme, he fixed upon a very wrong expedient, big with mischiefs the most fatal to society, and eventually productive of as great evils as it was intended to remedy. That this has not yet been acknowledged by a discerning man, may be attributed to the imperiousness of temper, and the predominancy of human pride. But let us with candour examine the work itself. Before I proceed, I will say of it in general, that it is *Judaism modernized*, and a second edition of *Polygamia*

Polygamia Triumphatrix * with large additions and emendations. In my Remarks upon it, as well as in the subsequent thoughts, I shall not “ blush to reason upon principles, “ which are grown unfashionable among “ men,” whose narrow views, in a public capacity, extend only to the purpose of feeding their vanity and their avarice, without paying any attention to those duties they owe to *God* and *Man*. I shall also acquaint my readers, that, regardless of the Critic’s rage, or the Libertine’s sneer, as well as equally uninfluenced by, or averse to, human systems, I shall proceed with that confidence which the *love* of *truth* inspires : and I more readily engage in this business, because I must use such arguments as cannot be very remote from that Holy Profession, and those studies, which I am in a particular manner obliged to dedicate myself to.

* Published at London by a Native of Saxony.

4 THOUGHTS ON

C H A P. II.

REMARKS on the INTRODUCTION and PREFACES.

WHEN there are faults in any institution, human or divine, they can only be removed, I admit, by reverting to first principles: but it is common with weak and designing men, who see those faults, or imagine they see them, (for they are sometimes invented, when they cannot be found) to point out their Prevention and Remedy by a *favourite* scheme, the object of which is often far from being commendable. Hence many absurd Hypotheses are industriously propagated and laboriously defended. If these were acknowledged to be, what they really are, the offspring of fancy and imagination, they would have more claim to our pardon, and be less injurious to the uninformed part of mankind; but to father them on the Holy Scriptures is really unpardonable, and shocking to reflection. The author before us, at his first setting out, *gravely* and *modestly* tells
us

us that his treatise is “on the authority
“of the Holy † Scriptures.” Such assertions
should be proved before advanced, and till
this is done consistently, fully, and satisfac-
torily, they deserve no credit. Many have
abused the Gospel-dispensation to sanctify
vile schemes, and the learned, as well as the
unlearned, have sometimes wrested the Scrip-
tures to their own fanciful ideas : whether
or not this is applicable in the present case,
is an enquiry of some importance, and will
meet in these Remarks full discussion.

I AM glad to find in the author’s preface to
his second edition of *Thelyphthora*, which
edition is the object of my animadversions,
that he is sensible of the abuse of § *partial*
quotations, and that the consequence is *mis-*
representation. He says he is a Freethinker,
and I believe him, according to the common
acceptation of the word ; and from his con-
tempt of rational customs, human systems,
councils, writings of the Primitive Fathers,
Christians, &c. I should not wonder at his
disclaiming all authority but his *own*.

† Pref. p. 5. § Page 20.

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It is asserted that the evils, which The-lyphthora is designed to prevent and remedy, “ arise from the neglect and contempt of the “ divine law, and the substitution of human “ laws in its † stead.” When marriage, according to its scriptural description, ceases to have the sanction of human laws, and when adultery and fornication do not call down the resentment of courts; then, but not till then, this observation will be literally true. But at present this is not the case, as will appear hereafter; therefore in direct opposition to Madan, I assert that the “ laws “ of Heaven” are the foundation of our municipal laws. When I contemplate this idea, I cannot but be shocked at hearing them called “ a system of baseness and barbarity.” This is an unbecoming warmth, and deserves censure. Probably they may want a Revision and Amendment: but I am confident, that neither Holy Scripture, nor Reason, nor Necessity, warrant such an alteration of our national system of laws, as is here recommended.

† Page 7, Introd.

I AM

P O L Y G A M Y. 7

I AM by no means wedded to any system, as I have already declared, any further than it is scriptural and rational; and though human Legislators should determine otherwise, it is my firm resolve to retain those *moral institutes* of divine wisdom that respect marriage in particular, and are evidently calculated to promote *conjugal happiness*. And I cannot but admit that the moral law, delivered by Moses to the Israelites, so far as it has for its object the good of society, and is not merely *local*, is unchangeable as its Author; and therefore still in force: but the Jewish morality is not all of that description, as must be evident to every person of discernment, and in particular with respect to Matrimony; therefore arguments drawn from thence do not deserve much attention.

I HAVE only to add in this chapter, what I have omitted in course, that Madan's ascribing the rapid sale of his book to its own merit, and supposing "that it hath made its way by dint of that intrinsic truth that it contains; the importance of the sub-

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“jects treated; the important ends proposed; and the conformity to the oracles of God which it professedly makes the basis of its contents;” discover at once his weakness and his vanity. But these appear still more striking, and I may add more disgusting, in his assuming the awful consequence of a messenger from Heaven, and affecting to draw a parallel between the characters of the first Reformers, and his own, the opposition to each, and their objects.

C H A P.

C H A P. III.

OBSERVATIONS ON Chap. I. about MARRIAGE, as a DIVINE INSTITUTION.

THAT Marriage is a Divine Institution, is not controverted; but it is not likely to be easily settled about the mode, or in other words, in what it consists. Madan says that the very essence of marriage “ simply consists in the union of the man and woman as one † body :” and the nature of the union is before defined to be mere “ personal knowledge of each other.” So the Reverend Abettor of Polygamy makes marriage to consist in its solemnization, bond, and notoriety, barely in *carnal knowledge*; an idea at which even Libertinism itself reddens! The author will prove for me what I have said: “ I cannot suppose that the “ *matrimonial service*, in our church, or any “ other, can make the parties more one flesh “ in the sight of God, supposing them to “ have been united,” that is by *carnal knowledge*, “ than the burial service can make

† Page 21.

“ the

“ the corpse over which it is read more dead
 “ than it was * before.” We are told that
 the command, “ be fruitful and multiply,”
 was to be carried into execution in “ the
 “ way of God’s own † appointment.” There
 is no necessity to be reminded of this, nor
 does it tend any thing to the main question.
 But I think it worth notice, that though
 there is not on record any ceremonial of
 Adam and Eve’s conjugal union, yet we are
 not to conclude that there was none. Pre-
 vious to the consummation of their marriage,
 God gave Eve to Adam for a wife : this con-
 vey to me an idea of something *formal*,
solemn, and *notorious*. If He only barely
 pronounced them husband and wife, the
 necessity of a formulary is evidently deduci-
 ble ; because it was most certainly before
 personal knowledge : besides, Infinite Wisdom
 cannot be supposed to do any thing in vain, or
 unworthy our imitation ; therefore we see
 here a sufficient apology for the solemnity of
 our marriage service, where the priest repre-
 sents the Deity solemnly joining the man and
 woman, and without which union, agree-

* Page 22.

† Page 18.

able to the first pattern of marriage, they cannot be one flesh in the way of God's own appointment. Supposing marriage, in all its constituent parts, to take in what is called the consummation, consisting in personal knowledge ; yet, at most, it can but be called a secondary requisite.

As I would not omit any thing very material either for or against me, so here I will observe, that if there is inability, incapacity, or impotency in either party to consummate, the law allows a divorce ; because a great national object, *population*, would be otherwise lost sight of, as also the primary command, “ be fruitful and multiply.” But this, though upon a superficial view it may seem to favour, by no means proves, what Madan advances. From a most impartial consideration of the whole matter, I am led to advance this as a luminous truth : “ Increase and multiply” is the law of God and Nature ; but as God has not revealed a *form*, the mode by which this shall be carried into execution, with the greatest advantage to society, is the rational Law of Man, founded

founded on the *first example* of the marriage ordinance. But Madan supposes, that if “ they (the man and the woman) have not “ been united,” in his way, “ they are not “ one flesh in the sight of God by any virtue in the words of the * service:” Yet, after much learning, wit, and ingenuity, which he seems anxious to display; after many pompous quotations to defend a favourite Hypothesis, and much dependence on human authority, which but lately had been despised; after a laborious argumentation, that has left the subject darker than it was before, bewildered by his own sophistry, he makes most unlooked for concessions, which tumble down the whole fabric of his reasoning; or, in other words, he *unsays* all that he had said before. “ Some service “ or ceremony is expedient,” says § Mr. Madan, very justly, “ for many good and laudable purposes:” and also further observes, that *human ordinances* “ have excellent use;” and herein he comprehends that of marriage. To which I readily assent, not only because it falls in with my way of thinking, but

* Page 23.

§ Page 41.

because

because consonant to truth. Then, as the Divine Law affords no marriage ceremony, and as some ceremony or service is expedient, as is admitted, for many good purposes, such as the public recognition of the mutual engagements of the parties, tracing genealogies, settling questions about inheritances, and many other laudable ends of society and religion, in a security of the duties of marriage, and the education of youth ; we ought to submit to the ordinance of man for the Lord's sake, (1 Peter, ii. 13.) . And this humble demeanour is more incumbent still upon us, if that ordinance is not repugnant to, or inconsistent with, the law of God. Among all civilized nations, ancient and modern, some rites and ceremonies have always been used in marriage ; this universality points to the antiquity, and the necessity of them.

BEFORE I conclude this chapter, I have to observe that marriage is a contract of a civil and religious nature, publicly recognized, between a man and a woman, by which they solemnly engage to live together
in

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in mutual love and friendship for the happiness of each other, and that they may bring up their children in the fear of God, to be useful members of society. I may add also, that marriage is a Divine Institution, for the purposes of mutual assistance, and mutual happiness, (I repeat these again because most necessary to be known); also for propagating the species, and educating them in the principles of religion and virtue; looking forward to society, that when formed, men might know the relation they stand in to each other and to God. These two views of marriage may serve to shew the similarity of intention between what, for distinction's sake, we will call a human ordinance, and the Divine appointment. When we contemplate these things, we cannot but be a little surprised at hearing "the accidental living together of a man and woman, if they agree upon matters themselves," pronounced "a valid § marriage;" the children legitimate in consequence of this fortuitous connection; that it comes the nearest "to the simplicity of the Divine Institution;"

and that it is the disgrace of us Christians that we do not conform * hereto. I have only to observe on this, that it looks more like the language of a professed debauchee, than that of a grave Divine: it evidently tends, let the design be what it will, to give a sanction to the fashionable vice of *Keeping*. For admitting this, a man may take into *keeping* as many mistresses as he pleases, give way to the most uncontrouled lust, and wanton enjoyment of the sex; all which, we are solemnly told, is agreeable to the word of God. Indignant! every sober christian starts back at positions so anti-scriptural, horrid, and blasphemous!

* This connection is directly opposite to the doctrines of the *Apostolical* fathers. Ignatius, in an Epistle inscribed to Polycarp, speaks of marriage with the greatest respect, and advises the intervention of a bishop—including some public and religious ordinance, that marriage may be engaged in *Κατα κυριον*—according to the Lord; from principles of religion, *και μη καλα επιθυμιας*—and not from lust; which chaste maxim must appear “*horrid stuff*” to the author of the licentious system of Thelyphthora.

C H A P. IV.

ON FORNICATION and WHOREDOM.

BEFORE I proceed to any comment, it will not be improper to enquire into the scriptural notion of the two terms, *Fornication* and *Whoredom*.

THE Scripture notion of a whore is,---a common prostitute ; the basest of these were such as devoted themselves, or were devoted by their parents, to the service of those heathen filthy deities, as were then worshipped, such as Venus, &c. by acts of lewdness in their temples. Both men and women were kept there as persons consecrated to such uses. Against this practice Lev. xix. 29. is directly levelled, “ Do not prostitute thy daughter, to cause her to be a whore.” It can hardly be supposed that parents would be so unfeeling and abandoned as to cause a daughter to do this, except it had the appearance of something religious ; and it was a
part

ANOTHER species of whoredom was when an Israelitish woman was debauched by a man, whom the law forbad her to marry ; and an Israelitish man, who had personal knowledge of a woman, in the same predicament, was guilty of the same crime. Then, if I am not wrong informed, the odious name of whoredom, according to its true scriptural import, cannot be applied to polygamous contracts among the Jews ; but, notwithstanding, it is a species of adultery, as shall be proved ; and a moral offence against the seventh commandment.

As to Fornication, its description has in some measure been anticipated ; I mean as to the general notion of it ; so shall only say, at present, that on the part either of a man or woman, it is similar. As to the general notion of it, I look upon that to be wrong ; for I think *πορνεία* should not be translated Fornication, but Whoredom ; otherwise the distinction is destroyed. Whoredom is prostitution for gain, as the word *πορνεία* imports, and Fornication is the accidental criminal connection of the different sexes,

without the formalities of marriage, and properly comes under the idea of *anabaptia*.

AFTER these definitions, and incidental remarks, I cannot refrain calling to mind, and lamenting, the prevalency of those vices I have been describing: the shameful prostitution, that prevails at present in the abandoned part of the female world, certainly calls aloud for some prevention and remedy. It is the profligacy of the times that makes this scandalous practice seem trifling. Many causes may be assigned for the present great number of prostitutes. The national degeneracy is one great mover of their enormities, as also luxury and indolence, productive of an insolent contempt of all law, human and divine. That a national degeneracy does exist in a high degree, and is discoverable in our religion, morality, and politics, in their present form among us, has been convincingly proved in a most elegant sermon, preached before the House of Lords on the 13th of December, 1776, by a learned Prelate.*

* Dr. Hurd, now Bishop of Worcester.

T H E R E

THERE is another principal reason, which deserves notice ; a fault in education. The daughters of tradesmen, and others in ordinary and narrow circumstances, are educated for the highest spheres in life ; they are trained to formal politeness and high breeding ; they are taught music and drawing, instead of industry and œconomy ; high notions are instilled into them, and they dream and doat upon equipage, parade, and dress : and though they have nothing to support these gaities, they are determined to have them, at all events : so in pursuit of their favourite object, they prefer a *dishonourable* connection, where these are to be had, to an honourable one, without them ; and therefore chuse rather to be *Mistresses of lords, than Wives of mechanics,*

WHETHER a more severe law ought to be enacted against the crimes we are speaking of, which, as experience shews, are inconvenient to civil society, and as holy writ assures us, of a very malignant nature in regard to a future state, I leave to the wisdom of Parliament to determine. I must confess, I have

no great hopes of amendment, while those crimes are left so much to the “ feeble coercion of the ecclesiastical court.” There are, most certainly, in the Bible, many provisions for female security and protection; and Legislators ought to adopt at least their moral intention. But in those cases, attention ought to be paid to the due regulation of those desires, not sinful in themselves, but in their abuses, which the Creator has implanted in us for the grand purpose of carrying into execution his *primary command*, “ be fruitful and multiply.” Too great liberty might lead to uncontrouled licentiousness, and undue restraint to all the enormities recorded in the history of *papish celibacy*; a subject too indelicate to be particular on. Therefore, it is highly probable that very severe laws, as well as those of a contrary description, would be an injury to Society: but whether the dread of future punishment, with the laws in being, are the only justifiable restraints from whoredom and fornication, at present, I leave undetermined.

IN

IN the second chapter of Thelyphthora, the author says, " I readily confess that the revival of God's antient laws against whoredom, amongst us, would be very dreadful, and indeed unjust, unless the whole consistent scheme which God has laid down, was *all* to be revived * together." But, Brother, what do you mean by this " whole consistent scheme?" Notwithstanding your learned definitions, I cannot with my eyes open, call it any thing but the Code of Laws given by Moses to the Jews; a code, setting aside the divine sanction, troublesome and imperfect; though well enough adapted to the circumstances of a certain time and place. What is the revival of these, but the revival of Judaism, and in effect to bring ourselves back from a perfect law, to those *beggarly elements* which were only preparatives for the introduction of that Law, and which a great apostle severely condemns? Influenced by such an authority, it will not be wondered at, if I withhold my assent. Indeed I do think that the reviving those antient laws would be inconvenient to So-

* Page 52.

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ciety :

ciety ; that their consequences, to many individuals, would be dreadful, and needlessly severe. Besides, a change of circumstances has virtually repealed many of them, to say nothing of a better dispensation than that of Moses. The abolition of the Ceremonial Law is admitted on both sides, I believe ; but there are several of the Mosaic laws, besides those, abolished ; because now they want their foundation, their reason, and their use.

BUT exclusive of some wrong ideas, and equally wrong conclusions, the Reverend Polygamist, in the second chapter of his book, has many learned distinctions, definitions, and accurate remarks ; he has also given proof of his knowledge of the Hebrew : but in regard to the words in that language, which he has very learnedly brought forward and explained, it may very justly be said that they do not prove the point in question ; they shew his abilities, and perhaps, he intended no more ; I am sensible of them, and the inferiority of mine ; yet I have ventured to oppose a sys-
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tem destructive, wild, and extravagant, and not adequate to the Remedy of the Mischief justly complained of.

“ WHERE the peace and well-being of
 “ Society are concerned; where disorders of
 “ the most malignant kind, have infected
 “ the general mass, to the destruction of mil-
 “ lions down to this moment, and threaten
 “ the destruction of millions yet unborn,
 “ and those chiefly from among the defence-
 “ less part of the human species,” viz. the
 women; certainly every man of feeling must
 be led to enquire the cause, and to look for
 a remedy. Whether the cause proceeds from
 a deficiency of our laws, or the remissness
 of those who ought to carry them into exe-
 cution, will best appear by a discussion of
 our laws, so far as they relate to the matters
 under contemplation.

IN antient times the Kings Courts, and
 also the Leets, had the sole cognizance of
 Fornication and Adultery, and punished them
 by fines, 2 Inst. 488. But now by 23 Ed. I.
 Stat. 4. the Court-christian “ shall have
 “ power

" power to take knowledge of *these crimes*,"
 " notwithstanding the king's prohibition ;
 and in consequence hereof, by Can. 109,
 whosoever offends in those, or any other
 species of lewdness, " the churchwardens,
 " or questmen, and sidesmen, in their next
 " presentment to their Ordinaries, shall pre-
 " sent the same, that they may be punished
 " by the severity of the laws, according to
 " their deserts; and such notorious offen-
 " ders shall not be admitted to the Holy
 " Communion till they be reformed."---
 Lewdness, when grossly scandalous, is an
 offence against the peace of the realm; so
 consequently is a *temporal*, as well as a spi-
 ritual, offence; and the Justices of the Peace
 may take cognizance thereof, see Godb. 474.
 And Mr. Hawkins says, " All open lewd-
 " ness grossly scandalous, as it tendeth to
 " subvert religion and morality, which are
 " the foundation of government, are punish-
 " able by the temporal judges by *fine* and *im-*
 " *prisonment*, and also such corporal infamous
 " punishment, as to the Court in discretion
 " shall seem meet, according to the heinous-
 " ness of the crime." 1 Hawk. 7. Not-
 withstanding

withstanding fornication and adultery are punishable by the ecclesiastical court, which, by the 23 Ed. I. Stat. 4. seems to have no more than a concurrent jurisdiction with the temporal courts in those cases, yet the keeping a Brothel is still punishable at *Common Law* upon *Indictment*, by fine and imprisonment; and the reason assigned is, because “ a common nuisance,” and “ the cause of “ many mischiefs, not only to the over- “ throw of mens bodies, and wasting of “ their livelihoods, but to the endangering “ their souls.” 3 Inst. 205. And for this offence the wife may be indicted, together with her husband, and condemned to the pillory with him. 1 Hawk. 2. By the 18 Eliz. ch. 3. in the case of Bastardy, the Justices of the Peace are directed to take order for the *punishment* of the mother and reputed father. Also, by 7 James, ch. 4. every lewd woman, who shall have a bastard, which may be chargeable to the parish, the Justices of the Peace shall commit such lewd woman to the *house of correction*, there to be punished, and set on work.

WHEN

WHEN the reader attentively considers the laws recited, I will venture to affirm, that he will declare their sufficiency to prevent the evils complained of in *Thelyphthora*, if duly enforced. However, it would certainly be best and most prudent to try what those laws can do, before any alteration is attempted in our national system. I leave it to the public to determine whether Madan would not have acted more the part of a good citizen, by an affectionate address to the Magistrates, recommending a strict attention to the particular duties of their office, painting in a masterly manner those enormities, which they, as conservators of the peace, and guardians of the law, are vested with powers to prevent? And whether, if they hereby should be roused to that activity they owe to Government and the Laws, the metropolis would not exhibit a very different appearance, and the several streets, now the sink of prostitution, become the abodes of *virtuous* inhabitants? But, instead of this sober and commendable scheme, we are entertained with the most illiberal invectives against our laws; they
are

are represented as not founded on the Divine Law, but a strange mixture of heterogeneous matter ; on these points, Madan dwells and raves with all the fury and mad enthusiasm of a Methodist. This reminds me of the furious enthusiasm of the illiterate George Fox, who made his appearance in, or about, the year of the christian æra 1650, the first opposer of water-baptism. He was *imperious* and *self-important* : he *damned* as *apostates* all ages since the Apostles ; and upon the authority of this *ignorant* mechanic, who could scarce write a sentence of sense in his own native tongue, the Quakers still continue to reject water-baptism, because he pronounced it a human invention.

BUT let us now soberly enquire whether or no Madan's charge, of human invention being the basis of our laws, is ill or well founded. In order to this, I must refer again to the 21st Ed. Stat. 4. which law, appears to me, in the spirit of it, to be generally declaratory of what had been the custom of the King's Courts and the Leet,
with

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with some amendments ; and giving a concurrent jurisdiction to the Ecclesiastical Courts. By this statute, corporal penance was made a punishment for the crimes it recites, or else a *pecuniary* one, either of which a freeman, convicted of such things, might chuse : which suggests to me this conclusion, that persons of fortune might still be fined ; but where a fine could not be levied for want of property, then agreeable to the Common Law, some infamous corporal punishment was to be inflicted at the discretion of the Court. Now I assert, that this law is consonant to the Divine Law in Exod. xxii. 16, 17. which enacts, that “ if
 “ a man entice a maid that is not betrothed,
 “ and lie with her, he shall surely endow her to be his wife.” “ If her father utterly
 “ refuse to give her, he shall pay money according to the dowry of virgins,” that is at least pay the usual dower, if he did not marry her ; the fifty pieces of silver money, τὴν τιμὴν τῆς ὑδραιας, the dowry of wives, as a satisfaction for her reproach. The Jewish doctors agree, that this is the import of the words ; for they say that if the
 man,

man, woman, or her father, refused, and as it was in the power of any of these, as they assert, to hinder the marriage, so to say it would not be hindered, is a falsity, then the seducer paid this mulct to the virgin's father.---See Patrick's Com. Vol. 1. p. 282. and also Selden's Ux. Heb. Lib. 1. ch. 16. It appears by Exod. xxii. 17. that though matters had gone as far as described, ver. 16, yet the father could *invalidate* the contract; for here there is a *reservation* of the father's authority: " If her father utterly refuse to
 " give her unto him, he shall pay money
 " according to the dowry of virgins;" that is pay, as I have before described. This exception is sufficient to shew the falsity of those positions designed to prove that marriage always must be the recompence of seduction under the law of Moses. Also, when we reflect on this *reservation* of the *father's authority*, it must necessarily suggest to us, contrary to what Madan advances, that taking *possession of a woman's person* could not constitute the *contract*, or *marriage-obligation*. As to the others having a power of refusal, I can trust the Hebrew Doctors, who,

who, in this case, must certainly be best acquainted with the truth of the matter : for which reason I shall pay very little attention to Madan's rash assertions, that their interpretation is an arbitrary exposition, robs " the text of its plain meaning, and leaves " us to the uncertainty of human imagination."* According to the sense now laid before the reader, which is agreeable to the best Commentators, there will easily be discovered traces of this divine law in ours ; nay, a striking likeness, if not an exact similitude. Here let us take our stand, and we shake to the very foundation the Scheme of Thelyphthora.

BUT if our laws, when enforced, should be found inadequate to the good purposes of preventing female prostitution, and all its train of consequent evils---those horrid appendages which shocks me to name, I should recommend a more strict conformity to the letter of the Mosaic law ; and if so humble an individual had any weight in recommending any hints for the improve-

* Vol. I. Page 389.

ment of our Establishment, I would advise a law to the following purport ;--to compel the single man, be his rank what it will, to marry the woman he seduces, upon pain of forfeiture of all his property, and imprisonment for life ; and the married man, in this case, to have inflicted upon him some severe infamous corporal punishment ; to give security for the maintenance of the woman, which maintenance should be at least one-third of the income of his real estate ; or if no real estate, then one third part of the personal ; if no personal estate, then a greater portion of corporal punishment ; and also to give security to marry her if his matrimonial engagement should cease during her life. As to the punishment of the woman, I would let that remain as the law at present directs ; but men being designed by God and Nature, for the protectors of the weaker sex, certainly they deserve very severe punishment when they act the direct contrary parts of seducers and destroyers.

IN regard to what I have recommended,
upon a supposition of the insufficiency of

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our laws, which I do not think will be the case upon a fair trial; whether it would be a direct conformity to that *Heavenly system* which has not omitted provisions for the *security* of the *weaker sex*, is foreign to my purpose to determine; however, I will dare to pronounce it more consonant to that system than Polygamy, more for the good of society, and more productive of domestic peace; I also think it a better security for female chastity, and better calculated to check the licentiousness of mankind: but whether or no it is preferable to our present laws, is a consideration that I leave for the determination of the Legislature.

CHAP. V.

ON ADULTERY.

I AGREE with Madan, in pronouncing *Adultery* “ an offence against the positive precepts of * God,” and the *most malignant kind of commerce between the sexes*; and it would be wrong to deny that by the Law of Moses it was punishable by death. Though I have the greatest abhorrence of it; yet such severity does not, at present, appear to me justifiable: even when I consider all its evil temporal consequences, I do not find them of weight enough to make me alter my opinion. This is not any impeachment of the *divine veracity, wisdom, or unchangeableness*; by no means! Indeed it would be absurd to suppose, that, a Being infinitely wise, would pay no attention, in the infancy of institutions and things, to the genius of a people, or local circumstances. I presume

* Ch. 3. page 57.

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the reason of that Divine Law, which punished Adultery with death, has ceased ; and of course, under a new and more perfect dispensation, its obligation also. It appears to me, particularly designed, to prevent the corruption and uncertainty of the issues of the several distinct tribes and families, and above all, to render certain the descent and genealogy of the Messiah ; and in order to effect this, so very material to that more rational system God had in view, no law could be too severe. In the year of the Christian æra, 1650, adultery was made a capital offence in this kingdom ; but what was the motive ? I have by me a great authority which informs me, that “ when
 “ the ruling powers found it for *their in-*
 “ *terest* to put on the semblance of a very
 “ extraordinary strictness and purity of
 “ morals, not only incest and wilful adul-
 “ tery were made capital crimes ; but also
 “ the repeated act of keeping a brothel, or
 “ committing fornication, were, upon a
 “ second conviction, made felony without
 “ benefit of * clergy.” And I have it from

* Blackstone's Comment. B. IV. Ch. 4.

the

the same authority, that there was at the Restoration an abhorrence of this *hypocrisy*, and consequently the aforesaid *rigorous* law was not renewed.

NOTWITHSTANDING much depended upon the prevention of adultery among the Jews, much more than ever can again; yet, even in contemplation of their law, it was not the most malignant of crimes; which I attempt to prove thus: The Jews, in ancient times, had four sorts of capital punishment, stoning, burning, beheading, and strangling. I have mentioned them in their order of magnitude, according to the Jewish notion; therefore strangling is the easiest of all, at least so accounted. Now when the law only mentioned *death* as the punishment, by a favourable exposition, it was understood always to mean this last sort;---*Omnis mors quæ absolute in lege usurpatur, strangulatio est.*---R. Solomen. Exod. xxi. 16. Then this is the death of an adulterer. Lev. xx. 10. Therefore adultery does not appear to be the greatest of crimes, even under the dispensation of Moses. I am conscious, that in

after times, when many misrepresentations of the law prevailed through the ignorance or design of the then rulers, adultery was sometimes punished by stoning; for which reason I pay no attention to the suggestions of those men, who brought the woman taken in adultery, before our Saviour, that, agreeable to the law of Moses, she should be stoned. As that was not carried into execution, we may conclude, that in a just estimate of things, exclusive of the peculiar circumstances of the Jews, it did not deserve that punishment; but that she was entirely pardoned, upon condition of sinning no more in that way, we must attribute to the forgiving temper of the *Lord of Life*.

THE law in this case, at present in force, as it stands in our books, is, that the injured husband may bring an action for damages: indeed, our code considers it but as a private wrong, (except in some few instances respecting the royal family) a wrong done to the husband, and so gives him damages. The Ecclesiastical Court also takes cognizance of the crime of adultery, but the

the punishment is only penance, which may be commuted for a sum of money. It is much to be wished, that this sum was a large one, that it might operate in the nature of a heavy fine, and not appear so very like a *Romish indulgence*.

WHETHER or no it is expedient to punish adultery with greater severity than our statute law directs, whether that law ought to consider marriage in any other light than a civil contract, and whether the holiness of the marriage state is properly left to the Ecclesiastical Court;—are questions of importance, and deserve the attention of statesmen. As to myself, I should vote but very little alteration in our system, except what I have before hinted; to which I humbly beg leave to add, that as I conceive adultery to dissolve the marriage-obligation to all intents and purposes, I would recommend a power to be vested in the Ecclesiastical Court, upon due proof in that case, of pronouncing a divorce *a vinculo matrimonii* from that time,—not *ab initio*—and also leave to the parties to marry again. As to the objection of its be-

ing left out of the *number of our capital punishments*, and considered *only as a private wrong*, I look upon that as trifling ; because I can see no impropriety in such a proceeding. But enough of this :—we will proceed now to consider it in another point of view.

MADAN, incessantly attempting to accommodate Scripture to his own system, says, “ If in reading the Hebrew Bible, we restrain the word *זנות*—*adultery*—to the married woman only, and to the man who defiles her, we do not leave the man, who, having one wife, takes another, out of its * reach ? ” In answer to which, I say, the idea is too confined, irrational, inconsistent, and unscriptural ; for adultery is “ a crime committed by married persons, against the *faith pledged* to each other in marriage, by having carnal commerce with some other ; or even by a person not married, who has the same intercourse with another that is,” Chambers’s Dict. Dr. Rees’s Edit. Tit. Adultery. This is a true and scriptural definition, as will appear by considering some of the species of adultery.—

Vol. I. Page 69.

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First double, where both the parties are married, and about which there can be no doubt. Secondly, where one only is married; because there exists the natural baseness and turpitude of the thing, and a violation of conjugal faith. Thirdly, where the woman only was espoused, and not actually married, as a modern would express himself: here we see at one view, what constitutes marriage in the sight of God—" *plighted faith*," a defection from which, by either party, must, in the reason and nature of things, be *adulterous*. If Scripture be considered in a liberal and consistent way, the violation of the marriage-obligation must be equally criminal in the man as the woman, because equally a direct violation of the command—*they shall be one flesh*; but if either or both of them have criminal conversation with another, they cease to be so, become adulterers, and their marriage is virtually dissolved. The calling the man, who married, has carnal commerce with an unmarried woman, *only a fornicator*; and the single man, an adulterer, who is in this predicament with a married woman, is a distinction which

It is suggested, that the only means of getting rid of the crime of adultery, is to punish it with death. In order to shew the folly of this notion, I only wish for a moment to call the attention of my readers to the History of Ceylon. Adultery is said to be so frequent at Ceylon, that there is not a woman but what practices it, notwithstanding their laws punish it with death. Bibl. Univ. tom. 23. p. 237. Among the ancients it was variously punished. In most ages and nations, punishments have been inflicted for the commission of this crime, which shews, that though they differ in the quantity of the punishment, yet they all agree that it really deserves some; and hence we may conclude from this general suffrage of mankind, that it is an offence against reason, and inconvenient to society. Of these punishments, some were capital, others cruel, others slight pecuniary mulcts, some whipping, others cutting off noses, &c. In the great Commonwealth of Rome we find it vary in different ages: Justinian mitigated the Julian law in favour of the female sex, by changing banishment into whipping,

whipping, and shutting up in a convent two years, and for life, if the husband did not take his wife back in that time; in regard to the men, he made no alteration that I have heard of. But from the wisdom of antiquity, little in this case is to be collected worth our attention: if there was much, it would not be useless to recite the different punishments of the antients, with their causes and effects. I shall only beg my reader's patience, on the subject of antient wisdom, while I say a few words more about that discerning and virtuous people, the Romans. Under the Roman laws, the wisest which antiquity boasts, adultery was a private injury, and might be avenged as such by the injured party in various ways: but where the husband made a trade of his wife's infamy, or, having seen her shame with his own eyes, patiently suffered the affront: then adultery became a crime of public concern; and the Julian Law provided a punishment for such husbands as well as for their wives. Among some the women only are punishable for adultery, as the Japanese; among others only the men, and severely too,

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too, as in the Marian Islands. But the wisest and most rational people have drawn a line between those, and have denominated both parties adulterers, and punished them as such.

I CANNOT finish this chapter, without taking notice of Madan's great contempt of Ecclesiastical Courts:---He calls them "Reliques of the Pope's tyranny;" seems to rejoice at their feeble power, and hints obliquely their non-necessity. I ask him what he calls the concurrent jurisdiction of Aaron, the priest of the Lord, with Moses, as also that of the Priests and Levites with the Elders afterwards? As there was in that government, which was immediately under the inspection of the Deity, an ecclesiastical as well as a civil jurisdiction, not for *temporary* or *local* purposes, but for the *good of society*; I am therefore an advocate for the existence of ecclesiastical courts:---As to the want of some new regulations in the mode of their proceedings, that is quite another thing.

CHAP. VI.

ON CONCUBINAGE.

CONCUBINAGE is a criminal and prohibited commerce between the two sexes, in the most general acceptation of the word, and nearly similar to what modern refinement has denominated *Keeping*. If it cannot be properly denominated whoredom, yet most certainly it is a species of lewdness that is antisciptural, and repugnant to the seventh commandment; which I conceive virtually to prohibit all unchasteness. This idea of its moral intent is most rational and liberal, and I may add, agreeable to the opinions of our best and most learned divines. But when the man has a wife too, I denominate it Adultery, for reasons already assigned. *Concubinage*, in a more restrained sense, is the cohabitation of a man and woman in the way of marriage, without its ceremonies and solemnity,---the marriage of nature; but below that of positive Institution

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tion in dignity and civil effect. This natural connection, between one man and one woman, as there was a probability of real marriage in the way of God's appointment, and that of civil society, had several privileges, and was antiently tolerated; but was of *perpetual obligation*. The Roman Law denominates this sort *licita consuetudo*---an allowed custom; but then it was only *licita*---allowed to single persons; nor did its privileges extend to a plurality of concubines; however, their issue, though not legitimate, were capable of donations. In this predicament were the concubines of the Patriarchs, whom we improperly call wives;--those that are wrongly denominated wives, most probably were taken with some ceremonies, but not such as constituted real marriage; but others without. Martin Bucer, one of our Reformers, has spoken very indistinctly of the Jewish concubines, indeed contradictorily;---*Concubinæ erant legitimæ uxores*;---this is a contradiction in terms, and he immediately corrects himself by saying, that they were not real wives; *Sed hoc a matronis differebant, quod sine dote,*
et

et sine solenni sanctificatione recipiebantur; which may be paraphrased thus, “ They differed from real and legal wives in this, that they had not the dowry of virgins espoused or betrothed, and their being taken without the sacred solemnities of marriage.” Here you mark a *specific difference* between a wife and a concubine among the Jews; they were taken *sine dote, et sine solenni sanctificatione*, which by divine appointment constituted the validity of marriage. This most probably was the situation of the פילגשים *concubines* of the patriarchs. They have been denominated wives of the second rank: (See Univ. Hist. Vol. 3. p. 141.)—but this is only by way of distinction from concubines of a lower order. But to proceed in distinguishing minutely, the difference between a wife and a concubine, and the inferiority of the latter; they were *humiliore loco—in a lower sphere*, as to the management of domestic matters, and the succession of their sons; and they were not *adjutoria—help-mates*, of a degree so superior as to enjoy a communion

* In Enar. ad. Cap. 19. Lib. Jud.

names for married persons, as I have already said, we may be led into errors, and call a concubine a wife ; and also suppose those wives, who were in a state of * vassalage.

UPON the whole, it appears that there was among the Israelites, a very material difference between wives and concubines, that those *women* of each particular man, whom we call wives, were all taken without the *usual ceremonies*, except one, who was the *matron*, or real wife, and who was in dignity equal to her husband, mistress of the family, enjoyed all things in common with her husband, and in whose children only was the right of succession to the inheritance and honours of the family.

THERE was an allowed concubinage among other nations, as I have instanced of the Romans ; in addition to which, I have to say, that the species, denominated *licita consuetudo*, was only really so to one man with one woman, whom the severity of the laws

* The only preventative is the invariable use of words of this sort,

had rendered incapable of contracting marriage.

BUT the *Germanic* concubinage, taken from the *allowed* among the Romans, is the most honourable of any. The Princes and great Lords, take women under the title of half-marriage---*morgengabic-marriage* : but without *solemnity*, they are also excluded the common rights of a wife; and the issue are bastards as to inheritance, nor can they bear the name or arms of the family. The Universities of Leipzig and Jena have declared against the validity of these contracts, which, if it proves no more, proves their abhorrence of them. As to other connections of this kind, where the man has but a temporary property in the woman, they are too licentious to deserve a moments attention. Indeed those of a superior degree have their origin in licentiousness. The connections of Nature for propagating the species, are by pairs; two of a kind were first formed for this business, and in general, in the irrational part of the creation, *two only* associate for this purpose: but man, disobedient

dient to the voice of nature, and hurried on by the violence of too eager a desire for the propagation of his kind,--or to speak more properly, by ungoverned lust, courts the embraces of many females:

I THOUGHT it necessary, previous to any *Remarks on Madan's Chapter of Polygamy*, to come to some determinate meaning of the word Concubine;---to which, except we annex a scriptural and proper idea, we may be led into very wrong conclusions. In my attempt to mark the specific difference between a wife and a concubine, I have been totally uninfluenced by the vague descriptions of dictionary-writers, who annex ideas to words, just as fancy or imagination dictate, without any regard to their scriptural or radical import:----my helps have been from Holy Scripture, and the writings of learned men. If I am not wrong in the preceding observations, there can be no difficulty in determining what issue of the different kinds of connections in the way of marriage is legitimate, and what not so;---indeed, it would be insulting the understanding of my

readers to come to any further explanation ; because they are very conscious that the issue, to which inheritances cannot pass, is not strictly legitimate ; but yet that of the allowed concubinage was not so far in a state of bastardy, according to its true scriptural notion, as to exclude them the Jewish congregation, and therefore I suppose capable of donations ; and in a certain intermediate civil condition between legitimacy to all intents and purposes, and the lowest degree of bastardy : for in regard to the term פסון --- *spurius, alienus a legitima familia*, (Deuteronomy xxiii. 2.)---the Hebrews do not understand it of one begotten out of the state of marriage, but begotten of such persons as the rigour of their law prohibited them to intermarry with, or to have any personal knowledge of by consent, violence, or any other way. See Patrick's Comment. vol. I. p. 804.* And this spurious offspring was excluded the Israelitish society, and all its privileges. From all which it appears, that there was among the Jews, as well as other nations, different degrees of bastardy.

* Ed. 3. which is always referred to in this work.

C H A P. VII.

REMARKS on the Chapter of POLYGAMY.

ON POLYGAMY, Madan has said many ingenious things; but who does not see the futility of his reasoning? At present I shall content myself with some cursory Remarks, and putting a negative on his positions; because I intend hereafter to take an extensive view of the subject.

Our author is undoubtedly cunning enough not to try this important case by the Law of Nature and Reason, in conjunction with the Divine Law; not that I think it right to give them a preference, but that a contemplation of them should by no means be excluded; because in general they are the foundations of the divine law, and therefore may be explanatory of the spirit of it.---I say, he is cunning enough in declining a contemplation of the *dictates of nature and reason*; for Polygamy is repugnant to both, as shall be proved in a subsequent part of

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this work. But is the word of God abhorrent from them? The case is, that a favourite hypothesis cannot have proof from any other quarter that is certain and clear; therefore, as has often been the case before, the Scriptures are to be tortured, mutilated, and explained away to meanings they never meant.

I DECLARE my assent to the position that "Polygamy, strictly speaking, is of ‡ two "sorts;" one is when a woman has several husbands cohabiting with her at the same time: this is admitted to be "abhorrent "from nature, reason, and scripture." But why is it so? It is strictly opponent to the great command, the Rev. Polygamist is so fond of, *increase and multiply*; for it is well known that those promiscuous amours, on the side of the woman, are destructive of the principles of generation. Experience, it strikes me, has made this so evident, that it needs no proof. Now, in regard to the other species, a man being joined, in the way of marriage, to several women at the same time, that the effects will not, in some measure,

be the same, cannot be denied on any rational grounds. But considered as a *moral offence*, exclusive of the notion of population, I cannot conceive of them different ideas. As the former is given up, I shall confine myself of course wholly to the latter.

It is asserted, that the “profligate Jews
“abused the liberty of divorce, permitted
“by Moses in certain cases, to the most
“licentious purposes, so as to make marriage
“little better than a pretence for gratifying
“their † lusts.” I suppose this was the
case earlier than the period alluded to, and
I imagine that the prevalence of Polygamy
had no other object in general than the gratifying of *licentious desires*; therefore the same observations may justly be applied to it; indeed, they are in many respects in the same predicament. Moses permitted them, not by choice, but necessity, arising from the temper and disposition of his Egyptian colony. They are *both monstrous practices*, against which Christ’s discourse, in Matt. xix. is evidently levelled;---first and principally

† Vol. I. Page 76.

against the abuses of divorce as they then existed, and even against divorce itself in that latitude, which the law of Moses expressly allowed;---and secondarily, constructively, and intentionally against Polygamy, by an appeal to the *paradisaic* pattern of marriage. Certainly here we may view Christ as opposed to Moses in the capacity of a law-giver. But it is denied that there was any *new law* enacted here, and it is said that it was only “an explanation of God’s law from the beginning, revealed first to Adam.” Admitting this, and also that God acted consistently with his law as revealed to the first man in his marriage to Eve, it will make directly against a plurality of wives. Was Adam a Polygamist, or had he any such scheme in orders from the Deity? And as to the law from the beginning being recorded by Moses, I ask whether Moses recorded Polygamy as a positive divine precept? If he did not, then he did not misrepresent the law from the beginning; and as this law is evidently for the good of society and domestic happiness, if he did, I cannot suppose a change of the nature of things, but that

that he was for some wise reasons accommodating himself to some *inveterate prejudices*, or other *temporary and local circumstances*. It may be said that there are no positive precepts in the Mosaic Law against Polygamy; supposing it so, there is no deficiency; because the first marriage is a permanent example,—an everlasting law. After ages violated it, is certain; but are the corruptions of latter times to have the sanction of laws? Indeed it is abhorrent from scripture, reason, and common sense, that the old Polygamists should be patterns of our imitation: as well might Madan propose the conduct of David, an Israelitish king, towards Bethsheba and her husband, for our example, as his ingenuity would be able to explain away the reproof of the Prophet, with as great facility as he has other matters equally evident.

BECAUSE Abraham, Jacob, David, &c. were Polygamists, and in the eyes of a christian, adulterers, I do not consign them to “Satan’s * kingdom:—But why?—let a great authority speak for me, “the times of

* Vol. I. Page 77.

“ this

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“ this ignorance God winked † at,”—connived at, and consequently pardoned errors that were the consequence of ignorance. The arguments drawn from hence, have not been confuted, though that has been attempted. I have also to observe, that the extending to all succeeding generations, not the immutable moral law, but the practices under the Mosaic dispensation, unwarranted by that law, as an *invariable rule of life*, and unapplicable appeals to its unchangeableness, as well as its author, has led this * *shrewd* man into very *dangerous errors*. The very same reasons that justify the Mosaic indulgence of Divorce for trivial causes, will justify his permission of Polygamy, notwithstanding what is said against it. Puffendorf saith, (b. vi. ch. 1.) that the Mosaical indulgence doth not amount to an approbation, but signifies only a bare toleration, or connivance, exempting from civil punishment. And Dr. Clarke learnedly shews that Moses did it to “ prevent a greater civil mischief;” and though exempt from civil punishment, “ it

† Acts ch. xvii. ver. 30.— This is not inapplicable to the Jews.

* Madan.

“ was

“ was a transgression of the *moral* * *law* :”
 The very same, for the same reasons, may be said of Polygamy. That this kind of reasoning involves in it “ the idea of Jehovah’s “ allowance of sin,” is an assertion as absurd as it is impertinent. These were not times for perfect institutions either civil or religious : reason was not mature, learning had made but little progress, and minds were uncultivated, and not able to discover the real fitness and unfitness of things, or the unchangeable distinctions of good and evil : it was therefore necessary to entice such, to a state of society by establishments, not the most perfect in the eye of matured reason, but, best suited to their circumstances ; and thus by gradual improvements, wisely and cautiously to lead them on to perfection in religion and morality. That this reasoning is well founded, experience teaches, from the reception of our laws in the East. That the laws of England are preferable to the laws of Indostan, is a truth that is self-evident :— but yet those laws were ill received there ; and the reason is, that they were too preci-

* See his Paraphrase on Matt. xix. 8.

pitately

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pitately introduced,—introduced before prejudices had been done away by the people being gently civilized, or any advances made in learning, or the arts and sciences, or indeed in any thing tending to a greater liberality of sentiment.

I HAVE made both by choice, and *ex officio*, the Scriptures my study, and I agree thus far with the learned author of the Historical Library, that *Polygamy is not expressly allowed by the Law of Moses*: but another writer * says it was expressly allowed, and by *God himself*. Now to this I subscribe myself dissentient, because the Bible speaks no such language, nor have I satisfactory proof from any other quarter. In support of the lawfulness of a plurality of wives, the legitimacy of a polygamous offspring is attempted to be proved, and is much insisted on. Arguments drawn from the legitimacy of a polygamous issue, are founded in error. For the Jews, notwithstanding all that has been said to the contrary, had but *one real wife*, the other *women* with whom they co-

* Madan. Th. Vol. I. Page 97.

habited,

habited, were only in a state of concubinage; they received no gifts, nor presents, from the husband, as Rebecca did from Isaac; nor matrimonial writings, as the real wife did; nor could their children inherit, but receive gifts only. Thus Abraham dealt with the sons of his concubines. Gen. xxv. See Ross's View of all Religions.

IN regard to Deut. xxi. 15. I do not with the authors of † Antient Universal History, call it “ a Law, tacitly implied at least, for a man to have two wives,” nor do I with Madan, rashly call it, “ a demonstration of “ God’s allowance of § polygamy;” because it may very well be understood of, and is equally applicable to, two *successive wives*. In support of this opinion, I have the authority of the learned Dean Delany.—See Reflect. on Pol. p. 56, and also that of Dr. Rutherford, a man of profound learning, who was honoured with, or rather, did honour to, a Professor’s chair in the University of Cambridge. In his lectures on Grotius de Jure, he supposes the two wives

† Vol. III. Page 141. § Vol. I. Page 109.

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to have been in succession, and that the first born was the son of the first wife; the true import of which supposition, he fully and satisfactorily evinces. See Inst. Fat. Law. b. i. c. 15. This conclusive evidence in favour of *monogamy*, the author of Thelyphthora has laboured hard, but without effect, to get rid of. I here intentionally omit any remarks on several passages, because I shall have occasion hereafter to mention those Scriptures, which are the *supposed* foundation of them.

BUT says the learned and *knowing* Madari, “ God’s law is his will, and his will is † his law.” This is something like the description of a tyrant, and is a very dogmatical method of reasoning :—after which follows a great deal, little to the purpose, and therefore not necessary to be attended to, concluding with “ Not a word against Polygamy :” to which I rejoin—not a word for it, but in the arbitrary exposition of those Scriptures commented on, merely to accommodate them to his own sys-

tem. But in regard to prophetic reproof, which Madan in the above words refers to, that is evidently levelled against adultery, whoredom, all lewdness and violation of the *seventh commandment*, and consequently *Polygamy itself*. But he says that it is not a violation of that command, and I as strenuously contend, that it is a *moral offence* against the *seventh commandment*, and the *original marriage-institution*.—After hearing all my arguments, the candid judges of literature and truth, I doubt not, will bring the controversy to a fair issue, and declare “with whom truth is, and where, and with whom error is.”

It is asked if Exod. ch. xxii. 16. and Deut. ch. xxii. 29. were not laws, in their moral intendment, to “confirm the marriage-ordinance in the fullness of its obligation,”* that is Polygamy? I say, it is asked “if this be not the † case, why we waste the time of public worship in causing these chapters to be read over to the people?” This question is impertinent, and

* Vol. I. Page 160.

† Vol. I. Page 161.

in its fullest latitude dangerous ; for the same might be said of much of the historical part of the Bible, and that respecting the Jewish ceremonies, and the distinctions of clean and unclean beasts in particular. All Scripture is calculated for instruction of one kind or other, and there is a necessity for Christians to retain and hear every part of the Bible, though some particular parts may not immediately concern them. — If it was necessary, I would enter upon particulars, and discuss this matter minutely ; but as that does not appear to me to be the case, I am unwilling causelessly to wander so far from my design.

OUR Author says, “ with respect to the “ New Testament, the subject of Polygamy, “ simply considered, is not so much as mentioned, either as good or * bad.” By this declaration, it is evident that its warmest advocate can bring nothing from that quarter in favour of it. But how does he supply this supposed silence of the New Testament about his favourite doctrine? Well—because it was “ amply explained and deter-

“minedly settled in the law—which was
 “given by † Moses:”—which he pretends
 to prove. But what does this amount to, more
 than a loose assertion, that the law of Moses
 is still in full force without limitation, that
 is, in the very letter of it, and not in its
 moral intention? But “the New Testa-
 “ment was not to introduce a new law con-
 “cerning this, (Polygamy) nor any thing
 “else. Nothing is to be found there which
 “was not in the Old Testament, only as to
 “the manner: the matter is one and ‡ the
 “same.” These may serve as specimens in
 general of those *rash* and *unguarded assertions*
 with which Thelyphthora abounds;—and
 of the same description is the following:—
 “When our Saviour preached on the *mount*,
 “he did not make, or publish, any new law,
 “nor did he make the law more *spiritual*
 “than when published at *Mount Sinai*.” I
 will here just remind Madan, as well as my
 readers, that it does not appear that those laws
 of Moses, on which he (Madan) founds his
 doctrine of a plurality of wives, were pub-
 lished at Mount Sinai, any more than the law

† Vol. I. Page 162.

‡ Vol. I. Page 121.

of divorce—a law dispensing with the marriage-ordinance in its fullest obligation ; but in this, as well as with respect to Polygamy, Moses acted more the part of a *politician* than a lawgiver—*by permission, and not by commandment*. And it would be absurd and blasphemous to assert that God cannot, or has not, dispensed with his laws; he may, for weighty reasons, be rational to suppose; and that he has on certain occasions, is indisputable. David's eating the shew-bread is an undeniable instance; and several others might be produced. It is contended that there is no instance of reproof in the Bible, of Polygamy, as practised by some eminent men among the Jews. An argument of this kind I have considered already; and with respect to what follows against Celibacy, being an advocate for marriage, I object not. It is further alledged, that “ the indiscriminate
 “ and total prohibition of Polygamy, as it
 “ has no warrant from the word of God,
 “ may also be the means of plunging many
 “ into the mischiefs of uncommanded celi-
 “ bacy.”* But this is by no means a ne-

* Vol. I. page 175,

cessary or natural consequence; indeed I cannot perceive any tendency thereto. Madan argues for the truth of his supposition thus: The wife may be of a violent temper, refractory, or a woman of levity; and, he says, by these means, notwithstanding the innate desire of intimate connection with the sex, which he has taken some pains to prove, “a husband may be reduced to the situation of an unmarried man,” and in that state remain—which I confess would be very extraordinary, because he is debarred the remedy which God hath provided, that is Polygamy, “by the lies and forgeries of fathers and † councils, &c.” This &c. I suppose may be filled up with the wise laws of this country and other monogamous states. I do not wonder at his anger against the *fathers* and *councils*, because they are *conclusive* against him, and overturn his hypothesis, which is supported by prejudice, folly, and a wilful perversion of the Scriptures.

AFTER mentioning an instance of foolish superstition of the Jews in the days of

† Vol. I. Page 178.

Mattathias, he goes on to say, "The modern
 " Jews are wiser, for they in general coin-
 " cide with the government where their lot
 " happens to be cast, as they are polygamous
 " or monogamous, according to the laws of
 " the country they live * in." This reasoning
 is founded on error, and sets out with a
 falsity; for to my certain knowledge, they
 are as foolishly superstitious, as tenacious of
 their ceremonies, and as observant of their
 laws as ever: so the only proper conclusion
 that can be drawn, is, the modern Jews con-
 ceive that the law of Moses contains no posi-
 tive precept for or against Polygamy; other-
 wise they would not conform as above de-
 scribed. In reality the modern Jews forbid
 Polygamy among the people, as Madan ad-
 mits; but then, says he, this is "from the
 authority of some passage of the † Talmud."
 That the Talmudists have erred in some mat-
 ters cannot be denied; but it would be ridicu-
 lous to suppose they had erred in all; and that
 they have not erred in this, will appear pre-
 sently. It is really ridiculous to oppose a
 doctrine merely because the Talmudists assert

* Vol. I. Page 13.

† Page 264. N.

to it; or bring proof of it;—it is something like our mad dissenters, who wish to reject every doctrine of the Church of Rome, for no other reason, but because it is a doctrine of that church; or like the *virtue run mad* of modern patriots, opposing every thing, whether good or bad, that comes from the ministers of state, for no other reason, but because it is *ministerial*. The argument brought from the “extinction of families,” is of no weight, because the reasons of Deut. xxv. 5. for its prevention among the Israelites has ceased, and of course its obligation. Also, the argument taken from a man’s having a barren wife, and thereby his “nobility, titles, honours, and family being † annihilated,” for want of being indulged in Polygamy, is directed to human pride, and must go for nothing. But I must not omit taking notice of a note here; indeed, such as I did not expect from a liberal-minded man: “It is to be feared, that there are not a few females, who, like other *monopolists*, take the advantage of the poor husband’s situation to use him as they please; and

† Page 182.

this for pretty much the same reason why the *afs* in the *fable*, insulted and kicked the poor *old lion*—because it is not in their power to *resent it* as they * *ought*.” Whether this is not an unmerited reflection on the sex, the married only can determine. I must confess it appears to me unpardonably *ill-natured*: undoubtedly Madan’s scheme would afford an opportunity to retaliate with a vengeance !

OUR author, as he proceeds, seems to pay less and less regard to truth, and to speak quite at random, as the following observation will shew: “ As for the practice of “ Polygamy among the first Christians, it “ was probably very frequent †.” This is founded on an *Ordonnance of Pope Silvester*, made about the year 335, *That every Priest should be the Husband of one Wife only*: Which contained neither less nor more than a prohibition of a second wife after the death of the first.

As to Dr. Hammond’s Note, quoted at p. 194, on 1 Tim. iii. 2. “ What is the

* Vol. I. Page 175.

† Page 185.

“ meaning

“ meaning of *μίας γυναίκος ἀνὴρ*—the husband of
 “ one wife, both here and verse 12, and
 “ Titus, ch. i. 6. and of *εἰς ἀνδρὸς γυναῖκα*—the
 “ wife of one husband, ch. v. ver. 9, will
 “ not easily be resolved.” I should suppose
 these expressions, by implication, to prohi-
 bit Polygamy on both the man and woman’s
 side ; and every unprejudiced person will view
 this matter in the same light. But though
 Dr. Hammond finds a difficulty in deter-
 mining the precise meaning of those scrip-
 ture passages, yet, Madan, admitting his
 own paraphrase, which I must declare is
 not to my satisfaction, resolves it without
 any difficulty at all ;—and this may easily be
 accounted for. When a man comes preju-
 diced to the reading of the Holy Scriptures,
 every chapter seems to speak the language of
 his hypothesis ; of the truth of which the
 following is no mean proof : “ When St.
 “ Paul says that a Bishop or Deacon is to
 “ be the *husband of one wife*, it certainly
 “ carries with it a tacit allowance of Poly-
 “ gamy, as to the lawfulness of it with re-
 “ gard to all other men *.” This is upon

the authority of Cardinal Cajetan, a violent opposer of Luther, who writes thus : *Pluralitatem uxorum nusquam a Deo prohiberi ; adeoque Paulum cum Episcopum vetet habere plures uxores, reliquis concedere* †.—Without making any apology, I will dare to say that this is the most puerile reasoning that ever disgraced a man of sense. It is much to be lamented that men will make the Scriptures chime in with their fanciful ideas, however absurd ; it is from this perversion of Scripture and wilful obstinacy, that *Heresies* have their beginning. But a certain reverend gentleman is so far from any compunction of mind on his own account, that his attention when turned that way, is wholly employed in endeavours to frighten timorous souls on the other side of the question ; to which purpose he insinuates that “ when once the Word of God is left for the inventions and traditions of men,” they may “ believe things which are contrary to Scripture to be right and good, and things agreeable thereto, wrong and abominable ;” and it is further observed, that “ this may

† Rainold. de Lib. Apoc. tom. i. præf. 4.

“ become

“ become the creed of a whole nation, nay
 “ of a whole church including many nations,
 “ so as to gain the sanction of *public statutes*,
 “ the *solemn opinion of Lawyers*, the most
 “ awful determinations of *Courts of Jus-*
 “ *tice* †.” This may be true when applied
 to particular cases, and Madan introduces it
 well enough;—but considering it more in
 the light of a general caution with respect
 to systems, I cannot but sincerely wish him
 conscientiously to consider his device, not
 consonant to Scripture, but merely human;
 lest, through the prejudices of men, it should
 have that *solemn sanction* mentioned above,
 and be the *bane of society*. That “ the con-
 “ demnation of Polygamy is equally a hu-
 “ man device” as 31st Henry VIII. I at pre-
 sent content myself with barely denying,—
 and I read with abhorrence that “ these
 “ things are equally the inventions of men,
 “ or rather of Satan transformed into an
 “ angel of light.” This reflection on the
 framers of the laws of monogamous states is
 uncandid, unbecoming, uncharitable, and
 unchristian, and I may add, ill suited to the

† Vol. I. Page 203.

sober discussion of religious truths. There is a general want of candour through the whole work; and if the reader will look back to the 144th page of * Thelyphthora, in the Notes, he will see how uncandidly Mr. Henry, a Commentator on the Bible, is treated; but it is not here only, for upon the whole, we see very frequently, torrents of abuse wantonly lavished upon the most respectable characters. But let us attend to something more rational: "No human authority can decide upon the matter, as this has evidently given its suffrages both ways upon the same questions †." I am willing, and intend, to contemplate *the matter* upon the *footing* of the *divine law*: but yet I think the main question may receive great elucidation from the opinions of well informed and learned men, as well as from the practices of the most civilized states, whose religious and civil polity is rational, consistent, and professedly *scriptural*: not but I admit the sole competency of Scripture to decide in this and all other cases. If then the scheme of Thelyphthora is *scrip-*

* Vol. I. † Vol. I. Page 204.

tural,

tural, though not consonant to human systems, it ought to be embraced ; but if it is *antiscryptural*, whatever authority it may have besides, it is only a human device, and ought to be rejected. Because human authority cannot decide, the author of *Thelyphthora* professes to lay no stress “ on the “ decisions of our chief reformers, Luther, “ Melancthon, Bucer, Zuinglius, &c.” in the case of Philip the Landgrave of Hesse. The question in this famous case was,— “ Whether for a man to have two wives at “ once was *contrary* to the *divine law*.”— Their answer was, “ that it was not.” Perhaps we may draw a line of distinction here, even if their competency of judgment was admitted; they did not say that it was a part of, consistent with, or agreeable to the *divine law*, but only that it was not contrary to it ; which by no means proves that their answer was founded upon any positive precept of the divine law, but only upon its supposed silence on that head ; for it appears that no precept of the Bible occurred to them for or against the point in question,

which led them to decide as they did. But I do not allow the competency of these men to decide, not because of their other errors, and a glaring one of Zuinglius in particular, well known in the learned world, but because I am persuaded their answer has no warrant from *Holy Writ*. I am sensible of the advantage that is secretly intended, and hoped, on the other side, to operate from this business, notwithstanding the indifference expressed about it. I have no objection to its having its due weight, and no more, with the *public*.

As to the woes pronounced on those who call *good*, *evil*, and on those who call *evil*, *good*, they alarm not me:—I only wish they may be attended to by those whom they may concern.

THAT the substance of 1 Cor. vii. was occasioned by a letter from the Corinthian converts is indisputable. But an ignorance of its contents will be productive of conjectures. As that letter is not recorded with the answer, I humbly suppose we are not to apply

ply that answer to one case only, but to take it in as general a sense as possible. Madan's learned dissertation on this subject I admire, and many parts of it approve; for it is highly probable that St. Paul did here reprobate the custom of the Gentiles in having a community of women, and lending of wives, both of which having received the sanction of Plato, were probably prevalent at Corinth; and it is equally probable, if we may judge from the answerer, as well as the manners and dispositions of the writers of this letter, that it was designed against the custom of a plurality of wives, which prevailed much in those days, and was attended with many civil inconveniences and private mischiefs, or, perhaps, against all these, which is, I think, the most probable of all; for certainly the answer is so shaped that it directly militates against a community of women, lending wives, and Polygamy. But let us attend more immediately to the answer itself. *Ἡ δὲ τὰς πορνείας, with respect to the Fornications or Adulteries, ἵνα ὁ καθ' ἑαυτὸν ἑκάστην ἑαυτοῦ ἔσται ἡ ἀγαθή*—let every man retain his own proper wife: *καὶ ὁ* is very emphatical;—his own proper,

per, peculiar, appropriated wife. But if only lending of wives had been prohibited, without regard to any thing else, what follows would have had no object and been unnecessary; καὶ καθὼς τοὺς ἰδίους ἀνδράς ἔχουσιν;—let every woman have her own *proper, peculiar, appropriated husband*, to which she has an exclusive right. In both these expressions there is such a mutual appropriation, such a strong idea of *exclusive right*—for *ἑαυτῇ* in the first instance, being equally expressive of exclusive property as *ἰδίᾳ* in the last, neither of them can possibly be construed otherwise. The distinction that Madan makes between *ἑαυτῇ* and *ἰδίᾳ* is *filly*; they both do, or do not convey an idea of property: Now, if they do here convey an idea of property, it must be *exclusive* on both sides, otherwise the force of St. Paul's reasoning would be wholly eluded. I contend then, that a plurality of wives is here forbidden, and verse iv. is full to the purpose, which verse will be the subject of future discussion: and further, when we consider the character, situation, and office of St. Paul, we cannot think that this inspired Apostle was writing only to shape an
answer

an answer to the question propounded ; for then the subject of the letter that contained it, most probably, would have been preserved, but also for the *good* and *instruction* of *future ages* ; certainly then he intended not his instruction to be abstract and confined. From all which I conclude, that we are to put that construction upon the words which they simply import, and to apply them to as many cases as they are applicable ; they do import the husband's exclusive right to his wife, and the wife's exclusive right to her husband ; therefore they imply *a prohibition of a plurality on either side*. Madan, finding himself hard pressed here, has recourse to quibbling about words, and varying the meanings and purposes for which they were spoken, just as suits his design ;—in short, this sort of criticism will prove any thing from holy writ, that the vain and loose imaginations of men may lead them to advance. This conduct is more to be wondered at, since he condemns *word-catching*, and says that it is “ far below the dignity of fair* argument, and deserves

* Vol. I. Page 223.

“ nothing but contempt.” I will here only just observe, that if Madan was not supported by this *contemptible* species of argument, he would be supported by nothing.

DR. WHITBY, a learned Commentator, and, as a human authority, very great and decisive, unfortunately for Madan, has anticipated many of his arguments, and refuted them, and particularly his comment on *Leviticus*, with respect to the husband, 1 Cor. ch. vii. 4. To which he replies, “ Prejudice and not judgment dictated the * comment ;”—a stale objection, introduced on all occasions when he is gruelled, as also a reference to some of the Jewish practices. This serves but to convince me the more of the obstinacy of prejudice and preconceived opinion. That Madan here is at a loss for argument, is evident from his going to the story of † Whittington and the chiming of the bells : But I am not surprised at it ; for the evidence naturally and necessarily deducible from 1 Cor. ch. vii. 4. is as conclusive against him as words can be. However, in

* Vol. I. Page 231. † Page 236.

regard to the story of Whittington, it is very applicable to the abettors of Polygamy; for the advocates of fanciful doctrines, as well as of vulgar errors, accustomed to a certain train of thinking, “ have but to meet with
 “ a text in Scripture which seems to echo to
 “ their *sense* of things, that sense will im-
 “ mediately chime in with the sound, and
 “ both together, almost beyond the power
 “ of conviction to the contrary, confirm
 “ them still more strongly in their senti-
 “ ments.”—*As the fool thinks, the bell
 clinks.* Eng. Prov.—a proverb, in our opi-
 nion, applicable to all arguments founded on
 the *sound* and *arbitrary* meaning of words.
 London Review, 1778, page 75.

I AM as much a friend to free enquiry
 and liberality of sentiment, as Madan; but
 why will he, under pretence of these privi-
 leges, “ act towards the Scriptures as Whit-
 tington did with the bells?”

IT is not the introduction of stories that
 can give any support to an anti-scriptural
 hypothesis; no, not even the formidable one

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of Kolben's Rhinoceros; but quibbles; founded upon the *found* and *arbitrary meaning* of words. That a certain author has long been qualified for this business, can hardly admit of a doubt, that he is at present is evident; therefore I should recommend the reassumption of the *long robe*, lest he should succeed in stamping on the Law of God *his glorious uncertainty*. Indeed quibbles, if not detected and exposed, might have more weight with the uninfluenced part of mankind, than we are aware of; for, most certainly, every heresy would find a support from this *supposed conclusive* reasoning. But as to doctrines of this stamp, I would as soon give my assent to the *Koran* of *Mahomet*, the *Zend-avesta* of *Confucius*, or the *Sbaster* of the *Bramins*, as to them.

LET us now examine some famous propositions, on which the doctrine of Polygamy is supposed to have no small support.

“ When I hear of a doctrine as taught in
 “ the New Testament, I am certain, if it
 “ be true, it must accord with the Scriptures
 “ of the Old Testament. Thither I carry
 it:

“ it : if I find it does not exactly *tally* with
 “ what I find there, I am certain it is false,
 “ and must arise from some misconception ;
 “ and, of course, some misinterpretation
 “ of the passage where it is supposed to be
 “ found. I am told that *sin* is a *transgression*
 “ *of the law* ; when I hear it asserted that
 “ Polygamy is sinful, I consult the law ;
 “ if it be forbidden there, I agree to the
 “ sinfulness of it ; if not forbidden there,
 “ but allowed, I find myself reduced to this
 “ dilemma--either the asserter of such a pro-
 “ position, who says he takes it from the
 “ New Testament, is mistaken, which is
 “ probable, or the New Testament must
 “ contradict the law, which is † impossible.”

The writer here sets out on wrong premises and inadmissible principles : but, though it cannot be denied that there is a consistency of design in all the divine dispensations—all tending to a certain point, and we may view the law as gradually unfolding its spirituality, and disburthening itself of that foreign and heterogeneous matter, which certain *local* and *temporary* circumstances had made neces-

† Vol. I. Page 239.

sary, with advancing ages, till it appeared, under the dispensation of Christ, in its genuine lustre and full perfection; yet it cannot be admitted that the Old and New Testament *accord* and *exactly tally* in the latitude contended for, that is, without limitation or exception: for this, if it proved any thing, would prove too much:—in short, it would lead to positions absurd and dangerous. If we assent to the present advanced doctrine, nothing in the New Testament could be admitted which was not explicitly expressed in the Old;—it would be setting the imperfect dispensation of Moses above the perfect one of Christ, and eventually tending to subjugate us, nay, rivet our chains, under the oppression of antient Jewish rites and ceremonies. From what has been said, it might be expected, of course, that Jesus Christ, the *adorable Jehovah*, would be denied to be a *Law-giver* under the gospel dispensation—this, I say, was but matter of course, after the preceding assertions, and after denominating, the asserting that Christ was a repealer of the old law so far as it was ritual, ceremonial, local, and temporary, and the
giver

giver of a new law, that is in its manner, or in other words, divested of those ingredients just mentioned,—“ a horrid position !”

Now, as to the moral law of Moses, (for the ceremonial law has undoubtedly had its abolition) it is evident he did not let it remain *in statu quo* ;—no ! he differently modified, refined, explained, added to, and altered it :—Prefaced with the *importance of I say unto you*, after mentioning what Moses had said, (see his speech on the Mount, Matt. ch. v. vi. vii.) which shewed him to be greater than Moses, and in the capacity of a lawgiver ; for he taught *ὡς ἰσχυρίας ἔχων*—as having authority, and not as the Scribes, who were only interpreters of the law of Moses : had He only assumed the *bumble office* of an interpreter, what St. Matthew says, ch. vii. v. 29, could not be true. I am aware that it may be said, that our Saviour's office in regard to the law was only to correct the abuses and corruptions of it by the Jews of his time : This would be in effect to level him with the prophets, and

would also take away that consolation we have in the *Cross of Christ*. But with respect to the point in question, I only beg leave to ask in what light Christ considered the law of Divorce; whether as the law of God or Moses; and whether for a true description of the marriage-obligation, he appealed to the Mosaic or Adamic dispensation? When I consider all these matters, I do not think it "a horrid position," that "Polygamy, though allowed under the dispensation of Moses, is yet forbidden by the law of Christ." But, says Mr. Madan, "Had Polygamy been intended to have been condemned under the New Testament dispensation, I should humbly suppose that our Lord would have put the matter out of question by words too plain to admit of the least dispute *." This is talking very *deistically*; for he might as well suppose the necessity of Christ's speaking, not as he did, in parables, but in plain and unequivocal terms, to the Scribes, Pharisees, and the rest of the people; and because he did not speak in direct terms, deny that he

* Vol. I. Page 243.

taught any *constructive doctrine* contrary to what the Scribes themselves taught. In regard to the admissibility of implication and construction, with respect to Scripture doctrines in particular, it would be wicked to entertain a doubt. If they were not admissible, how could what our Saviour said to the Sadducees, be any proof of the resurrection of the dead :—" Now that the dead

" are raised, even Moses shewed at the bush,

" when he calleth the Lord the God of

" Abraham, and the God of Isaac, and the

" God of Jacob." Luke xx. 37. And as appears at verse 39, the Scribes allowed this to be a good proof. I will also just mention the doctrine of our Church, as contained and declared in her sixth Article. " Holy

" Scripture containeth all things necessary

" to salvation : so that whatsoever is not

" read therein, nor may be proved thereby," that is not evidently deducible from it, " is

" not to be required of any man that it

" should be believed as an article of the

" Faith." When we contemplate this negative position, we evidently see it implying a positive one to the following purport :—

Holy

Holy Scripture containeth all things necessary to salvation: so that whatsoever is read therein, and may be deduced therefrom, is required of every man that it should be believed as an Article of the Faith, and be thought requisite and necessary to salvation.

As to the Scriptures themselves, it is impossible to say what will, or will not, be plain enough to satisfy the quibbling disputants of our times: their plainness in general is very great, and that they are not so in every particular, proves nothing but our ignorance.—That we do not know them as we ought, arises from a neglect of informing ourselves about customs and their causes, the manners, dispositions, and characters of the people immediately written or spoken to, and the character, situation, and intention of the writer or speaker. We should be well informed in those particulars before we attempt to interpret Holy Writ;—but as no Scripture is of private interpretation, we should apply it not only to a particular case, but to as many cases as the nature of the thing and process of argument are necessarily applicable.

WITH

WITH respect to the argument * in favour of Polygamy, drawn from its not appearing in the New Testament that John the Baptist or our Saviour, in particular, reprov'd the Jews to whom they were immediately sent, for this practice; that proves nothing at all, except it had first been shewn from indisputable authority, that such a practice prevailed at that time, and particularly among the converts themselves:—But as no such proof has been adduced, it is most probable, that the matter of fact is, that no such practice prevailed then; which must be the case, if what Dr. Hurd says, in his View of all Religions, be true: “ The Jewish antient custom of a plurality of wives seems to have been disused ever since their return from the Babylonish captivity.” p. 20.

As to those laws, mentioned by Madan † recorded in Exod. xxii. 16. and Deut. xxii. 28. 29. upon which his scheme of Polygamy depends, they will be considered hereafter; and if it should appear that they are subordinate to the first marriage-institution, and its

* Vol. I. Pages 245, 246.

† Page 255.

laws,

laws, which appears to me at present most probable, then they can in no case command Polygamy, nor make it a duty. But if even they should be found, in some cases, contrary to the primary institution of marriage, to command Polygamy; yet the command concerns not us :—Because Christ when discouraging of the *marriage-obligation*, appeals not to these laws, but to the law of marriage as established in *Paradise*, and St. Paul does the same when he describes the relative duties of husband and wife; from whence I conclude, as every impartial man ought, that whatever is the import of those laws, the first pattern of marriage was designed for the rule of our conduct. If they were laws that concerned all mankind, and made “ for the
 “ preservation of the female sex from ruin
 “ and prostitution,” they either did disannul the first law of marriage, or else were subordinate to it; that they did not disannul it, is evident by the appeals thereto hinted at above. When I consider these things, the said laws being enacted in indefinite terms, alters not my sentiments. The Hebrew word *וְאִם* is most certainly very unlimited
 and

and comprehensive; it may signify *every one* of the species, or only *some one*; in the case before us we must restrain it to the male sex; now of them it may imply *every one*, or may have a more confined signification, and only mean *some one*; if then we put this latter sense upon it, which it will bear, the laws under contemplation do not command Polygamy: and I am the more inclined to adopt this sense, because it makes the scriptures consistent with themselves; to deny this, and say they are not consistent, is false, or something that deserves a severer appellation. It is strongly contended on the other side, that the expression is indefinite; this must not be given up by the abettors of Polygamy, except they mean to give up their point at once;—the reason of their obstinacy on this point is therefore obvious. To say that the aforesaid expression is always indefinite, because sometimes so, is equally inconsistent as to maintain that *homo* always implies one of the female sex, because a great authority, Virgil * uses it in that sense. From all which I conclude, that though

* *Æneid*, Lib. i. l. 332.

there

there is no exception as to the situation of the man immediately expressed, yet most certainly it is implied. There is a restrictive epithet in the description of the damsel—*not betrothed*: it was necessary to ascertain that, because it would alter the mode of punishment, which is the reason of the epithet; but in regard to the man, no distinctions were necessary when made on the other side, with respect to punishment; but it would be wrong to say generally that none were intended or implied. After all it must be admitted, that laws respecting communities, in several parts, are couched in general terms, though afterwards exceptions and limitations are to be found in them; and yet those parts that appear general and unrestricted, must be admitted to be restrained. We cannot, from detached passages of law, determine what is the law of the land, and the case is the same with respect to the law of God—we must form our judgment from a consideration of the whole. If then any single scripture-passage should seem to us contradictory to the rest of the scripture, it is a plain proof that it is either ambiguous, or we do
not

not understand it, or both ;—thus circumstanced, it is most adviseable to consider the whole tenor of Scripture, and particularly to carry it to other passages that are plain and declaratory of the same thing, and there read its meaning ;—thus, by *comparing spiritual things with spiritual*, we shall form a right judgment in all things. But the contrary method of picking out particular passages, and interpreting them not by Scripture, but our own prejudices, is making the word of God speak *any thing and every thing* which those prejudices may suggest.

BUT it would be wrong to deny, that the laws in question, in their *moral intention*, are for the good of society, and particularly for female security ;—then this *moral intention* must be of lasting obligation ;—but in order to carry it into execution, there is no necessity for introducing into *our municipal law* the very identical verbal precept that is contained in the law of Moses :—it is sufficient if there exist a law, to prevent female ruin and prostitution, consonant to the spirit of the Mosaic system.

I THINK

I THINK the practice of the modern Jews affords a very good explanation of the famous controverted texts of Exod. and Deut. They oblige a *single man*, if he debauches a virgin, to *marry her*; but if a *married man*, they oblige him to *maintain her*. If these people are acquainted with their own laws, which we may reasonably suppose to be the case with respect to marriage;—then here is the most conclusive evidence against Polygamy, and from that quarter too, from whence it has been attempted to bring proof. Then I humbly assert, that upon the authority of Exod. xxii. 16. and Deut. xxii. 28, 29. human legislators, in their systems for securing the obligation and responsibility of men to women, should go no farther than the recited practice of the Jews, which appears to me to be *scriptural*.

THE Author of Thelyphthora takes notice of two sermons (page 262.) preached, and afterwards printed, on passing the *marriage-act*; but only uses the same reasoning that has been already answered;—he urges the general practice from certain Scripture passages,

sages, the purport of which will be fully considered, in opposition to the assertion, that “ Polygamy was partly indulged, but only upon certain typical occasions, and then only among the Patriarchs and some of the Kings.” This is ingenious, though inaccurate as to the matter of fact ; and I cannot but observe, that Madan controverts it strangely, by resting his opposition chiefly on the Judges † of Israel, who *in effect* were Kings, for he only instances besides, Elkanah the Levite. But quitting this controversy, where truth appears to be on neither side, let us come to the case of Abimelech and Sarah, which is looked upon as conclusive * against us. So far from viewing it in that light am I, that it does not appear to me to have the least tendency to prove *God's approbation* of Polygamy :—indeed, Madan's conclusions from it must appear to every impartial man far-fetched conceits, and they are marked with that unfairness in argumentation, which depicts prejudice in the strongest colours.

† Vol. I. Page 263. N.

* Page 265---268.

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THE reason assigned why the King of Gerar might not take Sarah, is recorded in the Bible:—"She is a man's wife," Gen. ch. xx. ver. 3.—or, as the original may be translated,—*married to a husband*, and therefore the *indisputable* and *unalienable* property of that husband, in exclusion of Abimelech, and every body else. This holds equally strong against Polygamy as Adultery, except we suppose the wife to have less property in her husband, than the husband has in her; which is absurd, abhorrent from the nature and reason of things, and contradictory to God's primary command, as also to our Saviour and St. Paul's reasoning upon the *marriage-obligation*. How then can any man in his senses think of finding here any argument in favour of a plurality of wives at once? In reality, if any inference is made at all, it must be the very reverse; and with regard to what follows in the history of this transaction, as it relates to the particular situation of Abimelech with respect to *his knowledge of right or wrong*, that will prove nothing in favour of Madan. As to the integrity of Abimelech's heart, which the

Scripture

Scripture bears witness to; we must consider that as comparative;—the case simply was—the corrupt practices of the heathen world, though they had sanctioned Polygamy, had not so far debased the human understanding as to make it appear no sin to take another man's wife; and Abimelech, in particular, was not so wicked as to do this; for when he was reprov'd by the Deity, he pleaded that he did not know that Sarah was Abraham's wife, but took her for his sister, agreeable to what Abraham himself had said;—it is in regard to this particular point that the integrity of his heart is mentioned;—but to suppose it to imply general approbation, is a supposition that Scripture does not warrant:—indeed, the idea is inconsistent; for it involves in it the full approbation of what had been already condemned. And in regard to the innocency of his hands, mentioned also in Scripture, it proves only that he did not take her by force. Then to presume to establish from this case the doctrine of Polygamy, is absurd.—But much stress is laid on the divine approbation of women and their issue “under a polygamous contract;”—but

as no proof has been, or can be, adduced of the approbation of the contract itself, or the issue,—considered as the issue of that particular contract, exclusive of other circumstances, I pay no attention to it. If a wicked man had done a very commendable thing, and was praised for it, it would be wrong to suppose that praise, though unrestricted, to imply a general approbation of his conduct;—this is so notorious, that it need not be insisted on; and I will only further observe, that to make general conclusions from particular premises, tend to confound right and wrong, and all the distinctions of things; and is contrary to the rules of logic;—for *ex præmissa particulari nihil sequitur*.

AMONG the antient Jews *barrenness* was disgraceful, which will account, among a religious people, for these words of Leah: “Happy am I, for the daughters will call me blessed,” and will also take off the force of many deductions that might otherwise unthinkingly be made from Madan’s *paradigma*, (p. 269—273.) “The conclusion of all which,” (*paradigm*.) he says, “appears

“ appears to be, that either we do not wor-
 “ ship the same God which the Jews did,
 “ or the God we worship doth not disallow
 “ nor disapprove Polygamy.” To this I
 reply, that as the paradigm contain no evi-
 dent approbations of Polygamy, I cannot
 see upon what this conclusion is grounded.
 To make *certain* conclusions from *doubtful*
 premises, is certainly very wrong, and tends
 to lead men into error ;—but much more so
 when made without any warrant at all. To
 which I add, that we worship the same God
 as the Jews did, but under a different dis-
 pensation. And in a note (page 273) it is
 asserted, that “ to say that he once did not
 “ disallow or disapprove it, but that he has
 “ *changed his mind* on the subject, is one of
 “ those assertions which are diametrically
 “ opposite to the attribute of unchange-
 “ ableness, so strongly marked out in the
 “ Scripture, and which is, and must be, of
 “ the very essence of an *all-perfect Being*.”
 I beg leave here to observe, and particularly
 to remind my opponent, that his ringing
 such a variety of *changes on*, and by his *bor-*
rid and *monstrous* metamorphoses of, the un-

changeableness of the Deity, he leads himself, and others, if they will be blindly led by him, into many errors : for if we admit his doctrine in the latitude contended for, it would necessarily lead us to conclude that the Deity never did make but one revelation of his will ; so that this doctrine, if it proves any thing, proves too much. I am sensible that the Deity is *unchangeable*, but at the same time I do not forget that he is *infinitely wise* ; and I see nothing derogatory to either in the permission even of evils that are eventually productive of *greater good* ;—temporary evils may be productive of some greater temporary good ; and that they are so in the *natural world* is evident, and I think no less so in the *moral* :—then why may not God permit, consistently with his unchangeableness and wisdom, an imperfect system, which is designedly preparative of a better ? It is from making one divine attribute predominant, that mankind are led into the most pernicious mistakes :—thus several men, arguing from the goodness of the Deity, excluding his justice, and every other attribute, have been induced to conclude

clude against the eternity of future punishments.

BUT then, says Madan, it is "abhorrent
 " from every *generous, honourable, and * hu-*
 " *mane principle*," that the treachery of man
 towards the other sex, " which was so posi-
 " tively forbidden, and so amply provided
 " against among the Jews, should be allowed
 " to Christians." This, was it true, would
 be very wrong : but I am naturally led to
 ask, Have our laws made no provision a-
 gainst this ? They have, it has been proved ;
 and I ask whether they are not more rational
 and scriptural, and more replete with *civil*
advantages, as well as *private happiness*, than
 Polygamy ?

I ATTRIBUTE the reasons given (at page
 275) for the reprobation of Polygamy by
 Christians, to the ingenious zeal of its abet-
 tor. That it was reprobated in the first ages
 of Christianity, before any of the absurdities
 obtained about the unlawfulness of marriage

* Vol. I. page 274.

in general, or second marriages, is past a doubt, and is no small argument against it.

THE *inferiority* of women is assigned as a reason why they may not be polygamous ; (page 278) but this is trifling :—let us go on to something more consequential. “ As the
 “ woman had the business of parturition
 “ allotted to her, she must necessarily be
 “ looked upon as the repository of those
 “ bonds and cements of human society,
 “ without which it cannot subsist ; such as
 “ family descents, pedigrees, genealogies,
 “ inheritances, and all communications and
 “ distinctions of relationship ; therefore the
 “ Creator did, in his infinite wisdom, set
 “ bounds to the *commerce* of the *sexes*, on
 “ the part of the woman, which could not
 “ be passed under pain of * death.” This
 is really strong reasoning against *Polygamy*
 and *Adultery* on the *side of the woman* ; and
 I doubt not but the ingenuity and ability
 which produced this, were they unpreju-
 diced, could bring reasons equally strong
 on the other side. I agree also with Madan

* Vol. I. Page 280,

in declaring that “ Whoredom and Fornication are, for the same reasons, also inimical to those bonds of human society above-mentioned, introductory of all manner of confusion and † wickedness :” but I disagree with him in the mode of prevention and remedy ;—which of us is in the right remains to be determined. Also, I deny not that there is a harmony subsisting between the Old and New Testaments ; and I have admitted before, and still do, the literal obligation of the moral law—I mean the decalogue—and its immutability ; and am as willing as Madan to rest this whole matter on the seventh article of our church. .

“ THE Old Testament is not contrary to the New ; for both in the Old and New Testament everlasting life is offered to mankind by Christ, who is the only mediator between God and man, being both God and man. Wherefore they are not to be heard which feign that the old Fathers did look only for transitory promises. Although the law given from God by

† Vol. I. Page 181. -

“ Moses,

“ Moses, as touching ceremonies and rites,
 “ do not bind Christian men, nor the civil
 “ precepts thereof ought of necessity to be
 “ received in any commonwealth : yet not-
 “ withstanding no Christian man whatso-
 “ ever is free from the obedience of the
 “ commandments which are called Moral.”

I suppose it is agreed on both sides, that marriage is a divine institution, founded on the nature and reason of things, and an object of the moral law ;—as it is an object of this law, it is argued on the other side, that
 “ the laws concerning marriage cannot be
 “ reckoned a mere object of those rites and
 “ ceremonies which were to vanish * away.”
 But several of the Jewish laws relative to the matrimonial connexion of the sexes, are in part, or wholly, of “ *those civil precepts*,” which ought not of necessity to be received in any Christian commonwealth. Therefore, upon the testimony of our Church, which is declaratory of the word of God, all the laws relative to marriage among the Jews ought not to be received by Christians :

* Vol. I. Page 283.

The reason is obvious ; they had ingredients which were objects *only* of the Mosaic civil polity, and in *that form* were calculated *only* for a particular people, under particular circumstances ; and laws of this description do not bind “ *Christian men*,” notwithstanding they might be very well digested to suit the situation of persons and things in the days of Moses.

To infer that Polygamy had a sinful idea annexed to it. (see vol. I. ch. iv. page 285.) by the lies invented through the ignorant zeal of the first professors of Christianity, and fathers of the Church,—to involve them all in the accusation of lying, upon many occasions, are suggestions that proceed either from consummate ignorance, or something worse. That the fathers in general do not deserve any such imputation, is evident from their writings that are admitted to be genuine:—in particular, the *apostolical* fathers (I mean those of the first century) writ nothing upon marriage, but what is strictly consonant to the New Testament. Madan does not seem to have attended to their writings

ings at all, but to some ignorant *second-hand* testimony; in consequence of which they are very much misrepresented. That Polygamy had no existence among the professors of Christianity in the first century, is evident from the apostolical fathers never censuring it in Christian societies. In the second century a sect arose that contended for the lawfulness of Polygamy, led on by Basilides and Carpocrates; and another sect soon sprung up, in the direct contrary extreme,* condemning marriage itself, with the apostate Tatian at their head; but the *Catholic* fathers condemned both;—they pursued a middle path, *all* condemning Polygamy, but recommending *Monogamy* upon principles of piety.

I ATTRIBUTE to *misguided* zeal, and the malevolence of *prejudice*, the position that it is “horrible blasphemy against the holiness and perfection of God’s † law” to represent Christ “as a new law-giver,” and the

* It is probable both these sects had *some* followers. To the latter we owe *Monastic* severities;—to the former Madan’s *new light*.

† Vol. I. Page 287.

introducer of a more pure and perfect system of morality, than of the law which was given by Moses; as also the oblique hints that these *new species* of blasphemers are much in the same predicament with, and in many respects followers of, the heretic Socinus, and that their liberal sentiments are *old darkness*, not *new light*. I may say here very justly, light comes from Heaven, but furious zeal from hell.

I WILL just remark, at the end of these observations and animadversions on the chapter of Polygamy, which have extended themselves to a greater length than I at first intended, or was aware of, that Madan's introduction of so many Hebrew words has been the cause why numbers have been led away with an idea, that he has incontrovertibly proved his hypothesis of the lawfulness of Polygamy—by quotations from the Hebrew Bible;—I wish to undeceive the *public* in this respect, and do assure my readers that Polygamy is only supported by the ingenuity of Madan's reasoning, and the artful and prejudiced interpretation of certain scripture

scripture passages ;—all highly finished in point of composition and elegance of language :—error courts those gaudy appearances, to hide its native deformity ; but truth dreads not to make its appearance plain and unornamented. To quote Hebrew to people that do not understand it, reminds me of a pompous pulpit orator, (who shall be nameless) quoting Greek to those who never learned it :—As the learned St. Jerome says, in recommendation of charity, Μῆνιν ἄνδρ' ὅδ' ἔκ Περσέϊδων Ἀχχάου. Homer's Il. b. 1. l. 1. And the eloquent St. Basil in favour of neighbourhood, Κίραμ' ἐκείνοι καίτοι, Καὶ τίς τιν' τίνων

Καὶ πλεχὲς πλεχῶ φθόβη, καὶ ἀοιδὸς ἀοιδῶ. Hesiod.*—
Risum teneatis amici ?

* Opera et Dies, l. 25, 26.

C H A P.

C H A P. VIII.

A CONSIDERATION of the POSITION,—
 “ Christ not the Giver of a new Law.”*

THE unlimited position that Christ is not the giver of a new law, is by no means consonant to the sentiments of the *generality of Christians*; but diametrically opposite to the *Fathers*. But notwithstanding those authorities, if it is *scriptural*, we must admit it; but if *antiscritural*, it must be rejected. Madan, in favour of the recited position, has with great labour intrenched himself so deep in artful reasoning, that he seems to dare any attack, and in order to bring them over to him, he continually attempts to alarm his opponents with the danger of falling in with the Antinomians, or some such heretical sect; and with the same views he talks of Arianism, Socinianism, Mahometanism, and several other *isms*.

* Vol. I. Page 306.

having

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having sprung from the opposition of his favourite doctrine:—as to the illiberal abuse of those who differ from him, I will call it, as it deserves to be called, ungentlemanlike conduct.

I REVERE the Law of Moses, and particularly that part of it called the Ten Commandments, delivered with the most awful solemnity immediately by God to Moses, written upon two tables of stone, expressive of their duration, and containing the duty of mankind to God and to one another. These being evidently calculated for the good of society, are immutable, and still really and *literally* in force; and to say otherwise is folly and ignorance, or perhaps something worse: For from the law of the two tables, “till heaven and earth shall pass away” one jot—the smallest Hebrew letter, or *קטן*—*born*—(Heb. קרן)—little projections distinguishing similar letters, “shall in no wise pass:”—then if not a letter, or bit of a letter, may pass away from the Ten Commandments till time shall be no more, which omissions would alter the sense, certainly then not
words

words and sentences. But Scripture does not warrant us to say the same of the ritual and judicial parts of the law of Moses: I do not lay any stress on their being delivered, or rather communicated, with less solemnity than what has been mentioned; but they are different from the others in their nature and tendency;—and as they prefigured holy and spiritual things, the law in this point of view may be said to be “holy, just, and good,” (Rom. vii. 12.) and also *spiritual*, ver. 14. However, if we contemplate the law of Moses, we shall find a great part of it *political*, rather than religious, as the distinction between clean and unclean animals, the prevention of intermarriages between the Jews and Heathens, and several other laws relating to marriage, with many others. Yet such a system was not inconsistent with the divine attributes,—because suited to the genius and interests of the people who were the immediate objects of it. But with respect to the laws of marriage in particular, those in Lev. xviii. having no *temporary* or *local ingredients*, ought to be retained according to their true literal import by all Chris-

tian states ; because they are calculated for the preservation of decency, and those several duties of relationship, which cannot be violated without causing the greatest disorder in families and society :—for if the son was to marry his mother, to say nothing of the indecency of the thing, what would become of *filial obedience* and *parental authority*, which scripture and reason hold *sacred* ; and reasons of a similar kind may be given for all the prohibitions of marriage within certain degrees of consanguinity and affinity, called emphatically the *Levitical degrees*. But with regard to others, as they have local and temporary ingredients, we ought to adopt only their *moral intention* ; that is, so far as they concern and promote the good and happiness of mankind, divested of all considerations about the circumstances of persons, time, or place.

THE imperfections of systems are very rarely to be attributed to the authors of them, but to the then state of mankind :—the prejudices of men must be attended to, and it is the part of wisdom to do it till those prejudices

Judices cease; and systems that do, so far only as are necessary to bring about some future good, can only be called imperfect comparatively:—and we may apply this to the Jewish system. The Jews resided so long in Egypt, that they not only learned, but were prejudiced in favour of, many of the customs of that nation, which necessitated Moses, in his political and religious institutions, to attend to those prejudices:—hence we may account for the law of divorce for trivial causes, and a *connivance at the practice of Polygamy*;—both contradictory to the Deity's *primary institution of marriage*. In those matters we must view Moses as acting by permission—not by commandment, and for weighty reasons dispensing with the divine law. That Moses did do this, in regard to divorce, our Saviour himself has witnessed, and declared the necessity for such a procedure; but as the Jewish government was then *theocratical*, we are necessarily led to this conclusion, that the Deity may, and sometimes does, for important ends, dispense with his laws. Polygamy had not the sanction of law;—it was only,

as Josephus represents it, when he calls it *νόμος*—*the custom of their country*:—to which I will add, and particularly the custom of those Heathen countries, that were guilty of the most flagrant violations of decency and the law of nature:—then, as it had no other sanction but practice, we may suppose the condemnation of it by our Saviour only implied, in his reasoning against divorce, (Mat. xix.) in the same manner as other corrupt practices—I mean the condemnation of them—was left to be collected from parables. That our Saviour did reprove corrupt practices, according to the natural import of the gospel-history, is evident from the anger of the Jews; and that he acted *authoritatively*, and differently from a mere interpreter of the law, is evident also from the Jews demanding his authority for acting as he did, and bringing him before the Sanhedrim—that council to which the trial of prophets and their doctrines did of right belong. St. Mark's description of Christ, as a teacher of the people, militates against the idea of his being only an interpreter of the law: for he represents him teaching in
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the synagogue *ἐξουσίαν ἔχων*—*as having power, authority, and not as the Scribes*:—then, as he had a power and authority superior to the Scribes, the real interpreters of the law, I ask what that authority could be less than that of legislation? From all which we may conclude, that to say the laws of Moses were calculated for all persons, times, and places of the world, is a glaring falsity.

THE moral law, except the Ten Commandments, our Saviour spiritualized, explained, amended, particularized, added to, and in part abrogated,—as the law of retaliation:—and in this light I call Christ a law-giver—though not a destroyer of the law. But in opposition to this it is alledged that Christ most solemnly declared, “think

“ not that I am come to destroy—*καταλυσαι*—

“ *dissolve the law and the prophets*—but to

“ fulfil” the intentions and declarations of both. This may be true in a certain qualified sense of the ritual and ceremonial law; because Christ exhibited the antitype and substance of which the Jewish ceremonies and rites were types, and were to have their

fulfilment in him; nor could the law and the prophets cease to have their force till this great end, and the whole œconomy of redemption, were displayed and accomplished; and hence occurs *ὡς πάντα γένηται*, importing the performance of what was typified and foretold. So St. Luke, ch. xxi. ver. 32.—“this generation shall not pass away,” *ὡς ἅντα γένηται*. Then those things have ceased, at least in their original form, and some entirely:—“The law and the prophets were until John,” Luke xvi. 16. Our Saviour asserts, that the law and the prophets, that is the *moral law* and the *moral precepts* of the *prophets*, are comprehended in these two precepts: “Thou shalt love the Lord thy God with all thy heart,” Mat. xxii. 37.—and, “Thou shalt love thy neighbour as thyself,” ver. 39. These two great precepts of the law our Saviour branched out into a vast number of subordinate particular duties, several of which were unknown in the Jewish morality;—such as universal benevolence, and particularly the love of our enemies, with several others that are new in their *principal matter*, as well as in their *manner*;

manner;—for they are new in example, obligation, and motive. That I am arguing upon right principles, appears from St. Paul's saying, that he who loves his neighbour as himself, νόμον περιπλήρωκε—*hath fulfilled the law*, Rom. xiii. 8.—and thus the whole moral law πληρώσαι—is *fulfilled*, Gal. v. 14.—by this νόμον τελειήτε—*ye perfect the law*, James ii. 8.—Hence it may be safely concluded, that Christ having solemnly recited and explained the Ten Commandments, and keeping them in view, as also this principle of morality, in his legislative capacity, fulfilled and perfected to all intents and purposes the law and the prophets. But if he was under the necessity of paying attention to the ritual, ceremonial, judicial, or any law that was local and temporary, what must become of the following doctrines of Scripture;—the law was only given “till the promised seed should come,” Gal. iii. 19. “The law was “our pedagogue,” verse 25. All which implies, at least, an abrogation in part; and further, “stand fast therefore in the liberty “wherewith Christ hath made us free,” Gal. v. 1. Christians are “become dead

“to the law,” Rom. vii. 4.—loosed from the law *κατηργήθη*—*disengaged from its works*, ver. 6.—which confirms me in the above opinion. Here, reader, fix your foot, and you sweep away at a stroke all the flimsy sophisms of Madan.

AND with respect to the love of God, Christ founded it on purer motives, and taught a more pure and spiritual worship of him than the law of Moses. Our Saviour foretold the dissolution of the temple and Jewish polity, as also a future more *spiritual worship* of God agreeable to his spiritual nature;—I say, he foretold this in his conversation with the Samaritan woman, John ch. iv. 21, 23, 24. Then it appears, from the clear evidence of Scripture, that Christ was a lawgiver, and in some particular cases did exercise that power; but as the very contrary is contended for by Madan, he must have asserted something unscriptural; and I will beg leave to remind him of these words of St. Paul, used upon almost a similar occasion, “A little leaven leaveneth the whole lump,” Gal. v. 9. Indeed, in his zeal
for

for a favourite doctrine, he has gone too far; and if his reasoning proved any thing, it would prove too much;—he has set out upon wrong premises, as is evident, and of course the subsequent conclusions are wrong; having discovered this, it will be quite unnecessary to follow him through his whole track of laborious reasoning.

For the satisfaction of my readers, I will advert to a few human authorities. If I have not represented this matter right, what would become of the following position of that great and good man Hugo Grotius?—*Christianam Religionem præstare aliis omnibus*, De Ver. Rel. Christ. Lib. ii. Sect. 10.—“ that the Christian Religion excels all “ others.” And this is proved in several particulars, some of which it will not be impertinent to notice. Having instanced the excellency of the proposed reward, he proceeds to say, *Secundum, quo Christiana Religio, omnes alias, quæ aut sunt, aut fuerunt, aut fingi possunt, exsuperat, est summa sanctitas præceptorum, cum in iis, quæ ad Dei cultum, tum quæ ad res cæteras pertinent,*

pertinent. Lib. ii. Sect. 11.—“ a second
 “ particular, in which the Christian Reli-
 “ gion exceeds all others that are, or have
 “ been, or can be thought of, is the great
 “ sanctity of its precepts, both in those
 “ things which concern the worship of God,
 “ and also in all other things,”—which is
 proved in the subsequent sections to be true
 in its morality, and particularly *circa con-*
junctionem maris et fœminæ, (sect. 13.)—
 “ about the conjunction of male and fe-
 “ male ;”—whereby it is proved also, that
Monogamy is more consistent with a law that
 prohibits all uncleanness and inordinate lust,
 than polygamy. Therefore, with respect to
 this matter, we may conclude with the
 words of Grotius : *Christi lex, ut res alias,*
ita et hanc conjugii inter Christianos ad PER-
FECTIONEM redegit NORMAM. De Jure,
 Lib. ii. ch. 5. sect. 2.—“ The *law of Christ*
 reduced this particular matter, (marriage)
 as well as other things, to a more PERFECT
 RULE.”

I WILL beg leave only to quote a sentence
 or two more from that learned man Hugo
 Grotius,

Grotius, where the Jewish morality, and that of Christians, sanctioned by law, are strikingly contrasted. “ Apud Hebræos sane lex melior (id est quam inter Paganos) sanctior disciplina; sed tamen in populo impotentis iræ dissimulata quædam, aut etiam ipsis concessa: ut vis in populos septem id meritos; qua non contenti, omnes a se dissidentes crudeli odio sunt persecuti; cujus signa nunc etiam in ipsorum precibus adversus Christianos conceptis apparent. At dolorem suum talionis judicio exsequi, homicidam propinqui sui privata manu occidere, lege ipsa permittebatur. Christi vero lex omnino prohibet injuriam sive verbis, sive rebus factam reponere, ne, quam in aliis improbamus malitiam, rursus probemus imitando: bene fieri vult bonis quidem præcipue, sed et malis, ad Dei exemplum.”
De Verit. Christ. Rel. Lib. ii. Sect. 12.—

“ Among the Hebrews indeed there was a
“ better law, a more holy discipline; (than
“ among the Heathens) but yet in that
“ people, whose anger was ungovernable,
“ some things were overlooked or allowed:
“ such as the power over seven nations de-
serving

“ serving it ; with which not content, they
 “ persecuted all that differed from them
 “ with cruel hatred : marks of which even
 “ now appear in their prayers uttered against
 “ Christians. The law itself allowed a
 “ man to revenge an injury by the punish-
 “ ment of retaliation, and that a man-slayer
 “ might be killed by the private hand of
 “ the next relation. But the law of Christ
 “ wholly prohibits us from repaying an in-
 “ jury done us, either by words or actions,
 “ lest by imitating that malice we blame in
 “ others, we should, on the contrary, ap-
 “ prove it. It would have us do good, in
 “ the first place, to those that are good ;
 “ and then to the bad also, according to the
 “ example of God.”

BUT to proceed with my human testimo-
 nies :—Eusebius, bishop of Cæsarea, about
 the fourth century, and a man of great learn-
 ing and abilities, says, in *Demon. Evang.*
Lib. i. cap. 1. “ The law of Moses was
 “ given only to the *Jewish nation*, and that
 “ only while it remained in its own country,”
 he means the ritual, ceremonial, and judicial
 parts

parts of it, whence he concludes *ὅτι διὰ τὸ ἐπεὶ προφῆτε ἐπεὶ νόμος προσεδίθη*—"that on this account there was a necessity for another prophet, and another law." And the bishop advances here nothing new, for it was said before by the author of the Epistle to the Hebrews: "The priesthood being changed, there is made of necessity a change also of the law," ch. vii. 12. The reason for disannulling the law appears at ver. 18. *διὰ τὸ αὐτοῦ ἀσθενίᾳ καὶ ἀνωφελείᾳ*—*because of its weakness and unprofitableness*;—which reminds me of the appellation given by St. Paul to that part of the Jewish law which I conceive to be abolished,—*τὰ στοιχία τοῦ κόσμου*—*elements of the world*;—that is, in matter the same as obtained in the Heathen world, but different in manner; in other words, directed to a better object and a better end.

SINCE I writ the above, I have looked into Dr. Whitby's Commentary on the New Testament, and am not a little pleased to find that I have agreed much in sentiment and mode of argument with that learned man, and thereby feel a superior degree of confidence

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confidence that they are *scriptural*, and consequently I am more tenacious of them.

DR. WHITBY, in his Comment on Gal. ch. iii. 19. (vol. II. page 281. *) observes, that "Maimonides, in his *More-Nevochim*, acknowledges, that the ceremonial law was given for the extirpation of idolatry;"—on the same side he instances Cedrenus, and the learned Dr. Spencer:—to which he adds, "It is well known that all the ancient Fathers were of this opinion, that God gave the Jews only the *Decalogue*†, till they had made the golden calf, and that afterwards he laid this yoke of ceremonies upon them, to restrain them from idolatry. Thus when God first brought them out of Egypt, and commanded them not to defile themselves with the idols of Egypt, (Ezek. xx. 7.) he is said to have "given them his statutes, and shewed them his judgments, which if

* Third Edition.

- † Irenæus has writ a whole chapter to ascertain the difference between the Decalogue and the other precepts of the Bible. Vide Lib. iv. cap. 31. *adversus Hæres.* Ed. Græc. Oxon.

a man

a man do, he shall live in them," ver. 11. But, saith he, still their hearts were after their fathers idols, the Egyptian Apis, &c. " wherefore I gave them statutes which were " not good, and judgments whereby they " should not live," (ver. 24. 25.) that is, the *law of carnal commandments*, which the Apostle saith was abolished, for the " weakness and unprofitableness of it," Heb. ch. vii. 16, 17.

UPON an impartial review of the whole matter, there appears to be sufficient scriptural reasons for alledging a partial, though not total, abolition of the law of Moses; and that Christ was a lawgiver;—it appears also that the law of Moses still in force is the Decalogue, and those other statutes formed immediately upon its principles, without any foreign mixture, I mean of any thing local or temporary.

DR. CLARK asserts, that " the Scripture, or the known open public books of the New Testament, are the *real and only rule of truth* among Christians," *Introduct. Scrip. Dec.*
of

of the Trinity, page 4. I should suppose this is carried rather too far; as a separation of the two Testaments, and the treating them as *distinct* and *independent systems*, must eventually be productive of many errors, and even big with mischief to Christianity itself:—there may be drawn a line between him and Madan, on either side of which rectitude cannot exist. I might add many more authorities, as the learned in general are on this side; but I decline it, because it appears to me unnecessary.

FROM what has been said, the reader will easily know how to dispose of this conclusion: “Christ was not a *destroyer* of the *old law*, nor a *giver* of a *new one*—that therefore the business of Polygamy, and all other points relative to the commerce of the sexes, were fully adjusted and settled by the divine law, subject to no alteration or change whatsoever, by any power in earth or heaven.” Here appears the *ultimatum* of his reasoning—every argument is intended to sanctify the *adulterous* practice of Polygamy. It is for this purpose that the author of Thelyphthora
has

has vigorously opposed himself not only to the writings of the Fathers, and those of our best divines; but even the Scriptures themselves. The consideration of this conduct of a man, who pretends to be speaking the language of Scripture, leads me to an observation that has been made more than once on different occasions, that “ *innovators* and *reformers* often set out with a great shew of religion,—begin with the Gospel according to St. Matthew, and end in the Gospel according to Mr. Hobbes.”

I CANNOT conclude these Remarks without observing, that, from a view of Thelyphthora, it strikes me, the concessions and inconsistencies of it are fatal to its scheme. The writer first objects against marriage-ceremony, upon which objection his system leans; but presently says marriage-ceremony is expedient. He one while raves against Socinianism, another against Arianism, at the same time that he holds and maintains doctrines compatible with both. Add to this, that in one place he asserts that mar-

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riage

riage is the most *sacred of obligations*; but in another, that it is nothing but the *accidental* living together of a man and a woman; with many other contradictory assertions no less notorious. Amidst such a labyrinth of contradictions, little is to be made out besides his being *a friend to Polygamy*;—which species of marriage is the chief object of my opposition, as, on the contrary, the defence of it is on the other side.

HAVING, I flatter myself, divested this subject of a heap of absurdities, with which sophistry had enveloped it; I now, after having first settled some previous business, proceed to the second part of this work—the full discussion of the famous doctrine of Polygamy. Having, I say, divested this of a heap of absurdities, with which it had been loaded, and, as I suppose, the prejudices contracted from the reading of Thelyphthora, the reader will pay more attention to what I have to say, and I shall be enabled to reason more systematically.

I HAVE further to observe, that though this work is only levelled *directly* against the
first

first volume of Thelyphthora, considered as the most dangerous and delusive in its principles and tendency; yet it may contain matter that may disprove some leading positions in the others: But if, upon mature consideration, that appears not to be the case, and if there should be a real necessity, which I do not suppose that there will, I may make another attack, having collected all my forces, and make *them* surrender at discretion.

If in any part of the above Remarks, my language has been warm and indignant, the *public*, I doubt not, will attribute it not to ill-natured malevolence, but to its true cause—an honest abhorrence of a scheme which I cannot in conscience approve or adopt.

APPENDIX

TO

PART the FIRST.

CHAP. I.

AS I am equally unwilling to *mislead* others, as to be *misled* myself, (for I am ready to embrace TRUTH, and to inculcate it, on which side soever it may be found) I shall attend to some particulars relative to Exod. ch. xxii. 16, 17. and Deut. ch. xxii. 28, 29. which, upon examination of my papers, I find are either partially, or not at all, attended to.

THAT those texts of Scripture lay an obligation of marriage on persons of all descriptions, cannot be admitted; because, in the first place, this militates against the harmony and consistency of the Scriptures; and, in the next place, although *it* may,
most

most frequently, be considered as an *indefinite* word, and therefore may properly enough be translated *unusquisque*—*every one*; as it is often, or rather most commonly, in the Bible, descriptive of the whole species; yet it has a limited signification, and may be rendered *unus**—*some one*;—*quidam*†—*a certain man*; therefore, as I am not inclined to interpret the Scriptures by the *sound* instead of the *sense*, but am willing to preserve their analogy, I do not think that here they make Polygamy a duty, by compelling the married man to wed publicly the woman he seduces; though we may, consistently enough with the Bible, where the father's refusal does not oppose, lay all others under that necessity, and suppose them included in the command—*endowing, he shall endow her*—לֹאִשָּׁתָּה—*sibi in uxorem—for a wife to himself*. But it may be asked, if what I say be true, what would become of these laws in several instances?—laws which are calculated for the security of the *female sex*, and for the prevention of *whoredom*. To which I answer, just the same that would be the consequence

* Calasio's Hebrew Concord. † Buxtorf's Heb. Lex.

of the father's refusal. But that these laws are obsolete or *antiquated*, as to their moral intendment, I am as averse to asserting as the author of Thelyphthora; but whether I have a right view of that matter—I mean the moral intention—I leave to the determination of the learned.

It may tend, probably, to the better understanding of the Scripture-passages mentioned above, if we can determine whether the payment of the *מָהָר* was, among the antient Jews, *ipsum matrimonium*. From an united view of the Scriptures, it clearly appears, that the consent of the parties, including that of the father, was the essence of marriage:—hence the defilement of a betrothed woman was punished by death, she being considered, in the sight of God, a man's wife*. But we do not find, among the Jews, in early times, any ceremony besides making a marriage feast; though in later days they invented many. The payment of the dower, not only among those people, but also among the Heathen, was

* Deut. xxii. 23, 24.

very common;—it had its origin with the latter, and sometimes preceded marriage. However, among the people of God, this *heathen rite*—I mean originally—was not necessarily *ceremonial* to a treaty of marriage, or *essential* to its completion. Yet, though undoubtedly not universal, it was a custom, and as such might, or might not, be complied with; and so it continues to this day among several of the eastern nations, and among the Algerines in particular; among whom, the only ceremony used in marriage is drinking out of each others hands—the custom of plighting their troth. The contract is previously made between the parents, (as among the Jews) in which mention is made of the *saddoc*, (as they call the dowry) and also of such habits and ornaments as were given to the bride in the days of Abraham;—upon forfeiture of the *saddoc*, the husband is released from all obligations to his real or intended wife. See Shaw's Travels, 2d edit. quarto, page 239. But if it was a ceremony of marriage, and payable *only* as an acknowledgment of the contract, what will become of the father's authority.

of which there is an evident reservation ?—
 Exod. xxii. 17. That this authority was
 absolute, I shall not pretend to prove by *human wisdom*; but shall let the Scripture speak
 for itself. “ If a woman also” (the same be-
 fore having been related of a man) “ vow a
 “ vow unto the Lord, and bind herself by
 “ a bond, being in her *father’s house* in her
 “ *youth*, and her father hear her vow, and
 “ her bond wherewith she hath bound her
 “ soul, and her father shall hold his peace at
 “ her; then all her vows shall stand. But
 “ if her father *disallow* her in the day that
 “ he heareth; not any of her vows, or of
 “ her bonds wherewith she hath bound her
 “ soul, shall stand; and the Lord shall for-
 “ give her, *because her father disallowed*
 “ *her*,” Numb. xxx. 3—5. If then a vow
 to the Lord, ratified by a solemn bond, was
void, because the father disallowed it; so *a*
fortiori must any promise or engagement to
 man. *Paternal power*, among all the antient
 nations, was very great;—it was carried so
 far, that the obstinate disobedience of chil-
 dren could be punished with death, which
 was then looked upon as a natural right,
 without

without any process at all before a magistrate, as was once the case among the antient Romans*. And it was the same among the Jews themselves, with this difference, that the power, which other nations lodged with parents, was transferred to the *public judges*, who punished this crime, agreeable to the law, by stoning; which was the punishment for blasphemers of God;—next to whom parents ought to be revered by their children; which accounts for an obstinate and a rebellious conduct being punished alike in both cases. However, the authority of parents was still so much preserved, that their testimony was sufficient to convict a son, who continued disobedient after repeated reprehensions and corrections:—they were to give in evidence the *overt act*—“ he is a

* In the better ages of the Republic, this power was taken from parents, and the censure of filial disobedience committed very judiciously to the magistrates. Among the Athenians, disobedient children were accounted infamous. Lyfias, in his oration-against Agoratus, says of the son, that beats his parents, or is otherwise unnatural and refractory in not providing them necessaries,—ἀξίος ἐκ θανάτω ζευιῶθῆναι—*deserves to be put to death*;—although the law only said—ἄτιμος ἔστω—*let him be infamous*. See Patrick's Comment. page 796. Vol. I. Edit. 3.

“ glutton

“glutton and a drunkard.” Not that these were capital crimes by the law, but it was necessary to shew in what evil practices the *continued disobedience* consisted. I have no doubt but this extended to both sexes, because both are capable of being *obstinately disobedient* to their fathers and mothers; which is the essence of the crime:—in what particular case this disobedience shewed itself, does not seem material. See Deut. ch. xxi. 18—21. It was also death among the Jews to strike a father or mother, (Exod. ch. xxi. 15.) or to curse them, verse 17.—which seems to prove the truth of what I have just asserted—that the manner of the contumacy is immaterial, and that it was sufficient if it existed at all.

WHEN I consider those several circumstances, I can by no means think that Exod. ch. xxii. 17. dispenses with the power of fathers, or is explanatory of what goes before; therefore I conclude that ~~we~~ should not be translated *quavis—although,*—or *utrum—whether or not*;—but *si—if,*—by way of exception. Then the sense will be,
but

but if the father absolutely refuse to give his daughter to the man that has debauched her, he shall pay כֶּסֶף—*silver*—according to the dowry of virgins, as a satisfaction for her reproach, as has been already observed. And that this was the case, is confirmed by the testimony of Josephus and the Hebrew Doctors. The reason assigned in the Bible is, *because he hath bumbled*—עָנָה—*afflicted* her;—on this account the *silver* was paid; which fact, upon a purview of the Bible, does not seem an offence to be *only* compensated by marriage. And Deut. xxi. 13. 14. confirms me in this opinion: whence it appears that a man might take a beautiful captive woman to wife; but if he did *not delight* in her afterwards, he might put her away—a liberty of divorce allowable on other * occasions; but he was not to make *merchandise* of her, because he had *bumbled her*. I am aware, that it may be objected that she was a stranger. To which I answer, then the law forbade the marriage:—for she must be entirely free, before she could be married to a Jew—that is, enjoy all the privileges of a

* Deut. xxiv. 1.

Jewish citizen. These several matters, in their united view, militate against the idea of the *necessity* of *marriage*, under all circumstances, in consequence of seduction or rape; as also against the idea of possession being marriage. Therefore the *silver* paid cannot be said, in all cases, to be an acknowledgment of the contract of marriage, any more than a *communication of persons* between two of the different sexes, always necessitated cohabitation for life; or, in other words, matrimony: Neither could the possession of a woman's person, any more than the promise of it, constitute the marriage-ordinance, and cause it to be publicly recognized, when the law forbid the banns. In the Hebrew Bible, I know, a pronoun possessive, joined with the indefinite terms, man and woman, denote the marriage-relation, as אשתו—*his woman*; אישה—*her man*. Also בעל—*husband*, which implies possession, or authority over, is read in the Hebrew Bible; and besides, the word שגל denotes a *wife*, and radically signifies *personal knowledge* of a woman. But though these words are descriptive of the effects of the marriage-relation, they by no means give
us

us any determinate ideas *how* that relation is to be entered into so as to be indissoluble: therefore, to determine that matter from these words only, without contemplating the rest of the Bible, must be productive of error. Besides, men, confining their ideas to the import of these words, might be led to consider marriage as calculated *only* for the purpose of gratifying their lusts; and they would not only also be induced to look upon those civilities, which the polite nations of Europe pay to the weaker sex, as extravagancies and infringements on their prerogative of pre-eminence, of which undoubtedly they would be very tenacious; but because there is a word in the Bible, which we translate husband, that radically imports *authority*, they might take upon them to use their wives as they pleased, “regardless of the duties of marriage, which Scripture has clearly enough pointed out, under the pretence of maintaining that authority which nature has assigned them, in reality to gratify their pride and their vanity.”

BUT

BUT as possession does not constitute the matrimonial bond, so neither does cohabitation simply of itself. I am not for laying down the *Lesbian* rule, that "that should be esteemed *right*, which is commonly received;" which in fact would be giving up our undoubted privilege of enquiring and judging for ourselves; but I assert this in consequence of having used that privilege; and as I am clear that this matter can have no conclusive proof from the suffrages of men, I will not, therefore, argue it at all, but will leave the reader to form his own judgment from what the Bible teaches, and particularly to attend to the circumstance of Abraham's dismissal of his concubine Hagar;—as also to the conversation between Christ and the Samaritan woman, recorded John iv. 17, 18.

FROM this Appendix, the reader will view, in a small compass, the tottering foundation on which the arguments of Thelyphthora are founded. He will also take into the account the Jewish example, an argument as delusive as the rest;—not forgetting the great
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stress that is laid on the multiplication of the seed of polygamous contracts, which amounts to no approbation of those contracts in particular, because common to mankind in the then ages of the world :—the wives of Cain were as prolific as those of better men ;—therefore he will know what judgment to pass on Thelyphthora and its arguments.—He will clearly see that that book has not for its basis that *heavenly system*, which is calculated for the good of society ; but circumstances unconnected with it, and the substitution of *effects* for the *cause*. As a *sincere believer* of Divine Revelation, I have endeavoured to describe the rights of mankind, as they are established and secured by this Revelation. If in this description I have vindicated what the Scriptures teach, and consequently refuted error—for the vindication of truth is the refutation of error, without any particular application ;—then my time will not be uselessly spent ; and, regardless of every other consideration, I shall sit down pleased with having done that duty which I *professionally* owe to God and my country.

SINCE

SINCE writing the above, I have considered that it may be thought incomplete, as I have not particularly investigated *divorce*, *superstition*, and *God's jealousy over his laws*, concerning which Madan has written whole chapters : I will therefore say a few words more upon each.

IN regard to the first, it is clear from the law of the New Testament, that *incontinence* is a cause, and indeed the * only cause, of divorce ; not from cohabitation only, which appears to be nothing but an invention of the Canonists, but *a vinculo matrimonii*—*from the bond of marriage*. And this was the case with the Jewish divorces, for the *libellum excidii*—*bill of cutting off*—vacated the obligation itself. Those divorces, which were *peculiar* and *temporary* with respect to their objects, our Saviour annulled ; and upon the description of the obligations of the *original marriage-institution*, declared divorce for *πορνεία*—*adultery*—to be enforcing the law of marriage, consonant to the *Adamic* law, in the fullness of its obligations. Other pre-

* Matt. xix. 9.

tances for separation, as they are without, so they are against, the divine law. Nor does it know any such distinction as a separation from cohabitation only, without a dissolution of the bond;—which distinction seems to owe its origin to Monkish jargon, the idea of marriage being a sacrament, and a superstitious reverence of a human ceremony. Our multiplication of the causes of divorce, appears to have proceeded from following too implicitly the institutes of the civil law. In my opinion, a facility of matrimonial separations, is not only repugnant to the law of heaven, but inconsistent with the good of society; for under a free government, those separations, as they always have been, will continue to be, the source of the worst corruptions, and eventually be turned to the purposes of merely gratifying mens lusts.

As to superstition, its reign has long ceased in this kingdom; indeed the present age, from an utter detestation of it, has rather run into the contrary extreme; and with respect to the practice of *monogamy*, its

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prevalency

prevalency is not owing to the influence of superstition in any of its stages or shapes, on government or individuals; but to the *law of God* and *civil convenience*. Indeed, I do not see, except it be to amuse and *divert* the attention of mankind, what superstition has to do with the lawfulness or unlawfulness of Polygamy;—it is neither a topic of argument under that subject, nor incidental to it. Just in the same predicament is the *impertinent* introduction of a chapter about God's jealousy over his laws. Who, that is not atheistical or deistical, denies the position, that God is jealous over his laws? But this has nothing at all to do with the main question; it decides no controversy; it confirms no particular opinion; therefore I think it quite unnecessary to say any thing more upon the subject, than that it ought to be inculcated for the security of God's laws; but we cannot form any judgment from it as to what is *lawful* or *unlawful* in itself.

C H A P T E R II.

REMARKS on the THIRD VOLUME of
THELYPHTHORA;

Shewing that its LEADING POSITION is
founded in ERROR.

THIS volume is only a continuation of that *illiberal invective* against the *Fathers*, which had been begun, with great acrimony, in the former volumes. The author's hatred of those primitive Saints is not to be wondered at:—their *united voice* against Thelyphthora has provoked his resentment; and as he cannot find *one* friend among them, he furiously attacks them *all*.
• Indeed the case was critical;—the only alternative left was to discredit them, or to give up the cause of Thelyphthora:—who, then, will be surprised at the part he has taken!

It was justly observed by a great Philosopher, “when reason is against a man, a

“man will be against reason.” This observation is upon no occasion more strikingly applicable than to Madan’s contempt of, the primitive Fathers. In the course of things it might be expected, that he would attempt to invalidate a testimony that was *conclusive* against him :—but even if he could discard it, he would not have advanced one step in proof of his *system*, while he admits the authority and genuineness of the books of the New Testament. It does not excite surprize, that those *holy men*, who were conversant with the Apostles themselves, and taught no other doctrines but what they had learned from them, as will appear from a candid comparison of their writings, should, so far from being high in the estimation of a man who teaches doctrines repugnant to *both*, become the objects of resentment, hatred, and abuse. But it is shocking to reflection to find, that this resentment and abuse are carried to such lengths as to be injurious to the cause of Christianity, by throwing contempt upon the *writers* and *writings* of the New Testament *itself*. It has been already observed, that “in a furi-
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“ous onset on the Fathers, he (Madan), for-
 “gets how nearly they are connected with
 “the Apostles; for, in shooting indiscrimi-
 “nately among the former, his arrow
 “frequently glances on the latter. But to
 “cover Moses, a zealous Polygamist would
 “make no scruple of leaving St. Paul ex-
 “posed; and to enjoy a laugh at the ex-
 “pence of *primitive virginity*, would not
 “be solicitous to keep a chapter in the
 “Epistle to the Corinthians clear of the
 “jest*.” As to the relations of this Ma-
 dan, about the apostolical Fathers and pri-
 mitive Christians, they are just as much to
 be depended on as the history of *Tom Thumb*,
 or that of *Jack the Giant-killer*.

WHOEVER reads the observations con-
 tained in Thelyphthora relative to the Fa-
 thers, cannot but feel horror for its author,
 as a Divine, a Scholar, and an Historian. He
 seems to have no clear knowledge of the
 sentiments of the primitive Christian writers:
 he confounds one father with another, and
 hereby charges a venerable one of the first

* Month. Rev. for September, 1781.

century with the extravagancies of the third, and he who writ with apostolical simplicity, is made the author of Monkish jargon;—indeed, it is evident to a demonstration that he never read the writings of this Father; and without reading them he can be but ill qualified to discuss a subject relative to the opinions and practices of the first century. Besides, his quotations are *partial*, and consequently his *conclusions* erroneous, and a heap of *misrepresentations*:—his translations are often faulty, and his history is replete with *wrong* information. Indeed, the whole evidence—I mean in particular with respect to the first and second centuries,—is a compound of malice or ignorance.

THE writer whom Madan has almost wholly copied is Du Pin, a French Ecclesiastical Historian. But why, even if he was content with *second-hand* evidence, follow a Doctor of the Sorbonne? Why not attend to Cave, Lardner, and other learned and impartial writers? But if he is a lover of truth, and willing to inculcate it in a discussion of the opinions and practices of the primitive Christians,

Christians, I shall recommend him (which is certainly the *only* safe method) to refer immediately to the writings of those men themselves; I mean such only as are admitted by the antient Christians to be *genuine*; whence *conclusive evidence* may most certainly be deduced. And I think this absolutely necessary, when I reflect, that later writers, attempting to accommodate them to their own systems, and viewing them through the thickest mists of prejudice, have totally misrepresented them; which is no uncommon case with prejudiced and angry disputants. But perhaps the evidence of a Romanist representing the sentiments of the early Fathers in a detached and partial light, probably with a view of giving a sanction to *clerical* celibacy, might be the most agreeable to our author, because best calculated for his purpose. However this be, I have no doubt but that he had information enough relative to the apostolical Fathers, to be convinced, they would be found no friends to his system upon closer acquaintance. Indeed he has evidently considered them as *formidable enemies*, as appears from his vio-

lent attack upon them :—in which, agreeable to his general caution, he has endeavoured to cover himself frequently with some respectable authority, which often, upon the particular occasion that it is called to his aid, is no authority at all.

THE author of Thelyphthora tells the world he “ was in great hopes, that, when he had finished the second volume, his labours were at an end.” I shall beg leave to inform him, that the *third* has done more injury to *his cause* than he will ever be able to remedy. His having recourse, at the very beginning of his enterprize against the Fathers, to a *spurious* testimony ; and not having a single Father of the first century to grace the triumph of Thelyphthora :—his erroneously charging the catholic Fathers of the second century with the opinions of some Heretics, shake to the foundation his system. To which add, that his sarcasms on *continence*, consonant to the principles of piety, and not incompatible with marriage ; the laugh that he insultingly indulges at the expence of every *chaste* character that falls

falls in his way, to such a degree, that the New Testament is not kept clear of the jest; are circumstances that place him in no very favourable light, even in the eyes of those men who otherwise might be rather prejudiced in favour of some of his opinions.—These general observations will be demonstrated in the subsequent particular ones.

IN this third volume the author pretends to shew “ by what means, and by what degrees, the laws of Jehovah, concerning marriage, were opposed and abrogated, and a new system invented and established by Christian churchmen.”

He begins with the first century, and pursues his enquiry down to the reformation: the object of which is to prove the Fathers vouchers for celibacy, and consequently to invalidate their testimony relative to every kind of marriage:—and that, as they were opposers of a man's having even one wife, they must *a fortiori* be opposers of his having two at a time. But as we contest their authority in one particular, concerning marriage,

riage, we ought, consistently with ourselves, to discard it in another.

THIS leading position of the third volume of Thelyphthora, which I have attempted to place in a proper point of view, by a contemplation of its motives, I declare against, and shall give my reasons to the public on which my opposition is founded, that the solidity of them may be ascertained.

IN support of this position, the author begins with producing what he calls the testimony of St. Clement of Rome, the disciple of Peter, and the associate of the Apostles.

“ AT the end of Wetstein's New Testament, vol. II. are to be found two epistles of St. Clement, the Roman disciple of St. Peter, taken from the book of the Syriac MS of the New Testament. Wetstein, in order to prove that they are genuine, cites two testimonies, one of St. Jerome; the other of Epiphanius.”

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“THE epistles themselves appear in Syriac, with a Latin translation; by which it seems evident, that this Saint was as great an advocate for virginity as Jerome was himself.”

“As for the genuineness of these two epistles, the reader may find what is said on that subject by Wetstein, vol. II. N. T. Proleg. at the end of the volume; who seems to entertain little doubt of the matter.”

BEFORE I proceed to a close examination of this evidence, I will suggest to my reader the improbability of any such doctrine being taught by St. Clement, as is put into his mouth by Wetstein. The character given of him by St. Paul, and the primitive Fathers, militates against the idea. If he had, in that Apostle's time, preached up virginity in the manner represented, instead of being denominated by the Holy Ghost St. Paul's associate in the labours of the Gospel—instead of its being asserted that his name was written in the book of life, (Phil. iv. 3.)—he would, most certainly, have been consigned to

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to the company of those heretics, who, listening to seducing spirits, forbid to marry, 1 Tim. iv. 3. But that he did not apostatize from the faith, after St. Paul writ his epistle to the Philippians, is evident from the testimony of the antients, and the honourable mention they make of him; particularly Irenæus, (lib. iii. cap. 3.) Clemens Alexandrinus, (lib. iv. Strom.) Eusebius, (Hist. Ecclesiast. lib. iii. cap. 12.) Jerome, (in Cat. III. Scrip.) and Ignatius, of the first century, and disciple of St. John the Apostle and Evangelist, whom I ought to have named first; in one of his epistles, has almost wholly copied from him, (vid. Epist. ad Philip.) which I take for a convincing proof of approbation. If I was to mention all those who refer to his authority as *sacred*, I should be under the necessity of making out a catalogue of the names of all the subsequent catholic Fathers, with a list of heretics, who perverted his meaning to make it chime in with their delusions, as some later heretics have served the Scriptures themselves for the same purposes. This, however, serves to shew how high his writings were in the estimation

estimation of the primitive Christians. In fact, they were read publicly in some places—I mean St. Clement's first Epistle to the Corinthians—which Jerome denominates *valde utilem*—very edifying;—and adds, *in nonnullis locis publice legitur*. But to come nearer to the immediate matter of debate, Madan rests his arguments for the genuineness of the two epistles, published by Wetstein at the end of his New Testament, principally upon what Wetstein himself has said, intimating that he “*seems to entertain*” “little doubt of the matter.” Caution and reserve in the excess! But had not other learned men *their* doubts?—Who, from Madan's representation of this matter, unacquainted with the history of the literary world, would imagine that Dr. Lardner, to the satisfaction of the *learned*, had confuted all Wetstein's arguments, in a critical treatise written professedly for that purpose? Who, only from looking into Thelyphthora, would think of this? It was for its interest to keep this evidence from the public.—If it had been adduced, the consequence would have been the overthrow of the “first testimony,”

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“mony,” which, in effect, would have shook all the rest. I will not be so uncere-
monious as to say that this *disingenuous* con-
duct carries upon the face of it an evident
intention *to deceive mankind*; but, I think,
even politeness itself would aver that it has
very much the appearance of it.

THE *only genuine* epistle of St. Clement,
Bishop of Rome, is that addressed to the
Corinthians; which was discovered at the
end of the Alexandrian Manuscript of the
New Testament, and published first by order
of that pious King, Charles I. to whom it
was made a present of by Cyril the Greek
Patriarch. This is the *only* epistle that the
most antient Fathers admitted to be genuine.
They *all* refer *only* to this. Eusebius ex-
pressly says, that it was the only one that
was authentic, and of its authenticity there
was no doubt:—he says of it—*ἀνιμολογημένην*
πᾶσι πάντων—*it was unanimously received by all*.
This writer, as also Jerome and Photius,
mention a second epistle to the Corinthians,
attributed to St. Clement; but they all agree
that it was a doubtful one, and rejected by
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the antient Christians *. Jerome says, speaking of St. Clement,—Scripsit ex persona Romanæ Ecclesiæ ad Ecclesiam Corinthiorum valde utilem epistolam :—“ he writ in “ the name of the church of Rome to the “ church of Corinth a very edifying epistle.” But as to the second, reported to be written by him, this writer says *a veteribus reprobatur—it is rejected by the antients*. Of course the adduced testimony of Jerome, concerning these two epistles published by Wetstein, can be of no value. As to what this writer says in his reply to Jovinian, we cannot admit it as literally true :—Clemens, successor Apostoli Petri, cujus Paulus Apostolus meminit, scribit epistolas, omnem penè sermonem suum de virginitatis puritate contextuit :—That “ Clement, the successor “ of St. Peter, whom Paul, the Apostle “ mentions, writes epistles, and almost his

* “ Ἰςίον δὲ ὡς καὶ διυτέρα, τις ἵνα λέγεται τῷ Κλημεντὶ ἐπιστολὴ ἢ μὴ εἶναι ὁμοίως τῇ πρώτῃ καὶ ταύτην γνώριμον εἶναι, ὅτι μὴδὲ τῆς ἀρχαίας αὐτῇ περὶ τῆς ἁγνότητος ἐκείνης. Euseb. Hist. Ecclesiast. lib. iii. cap. 38.—Fertur et secunda ejus nomine epistola, quæ a veteribus reprobatur. Hieronymus in Cat. Scrip. Ill. cap. 15.—ἡ δὲ λεγομένη διυτέρα πρὸς τοὺς αὐτοὺς ὡς ἡ πρώτη ἀποδοκιμάζεται. Photius μνημονεύει Cod. 112. 113.

“ whole

“ whole discourse is about the purity of
 “ virginity,” lib. i. contra. Jov. These epistles, we are informed, were written to eunuchs, who had voluntarily made themselves eunuchs for the kingdom of Heaven’s sake. Jerome makes use of the word *castravit*—a strong expression—but I cannot suppose it to imply any thing more than that they governed so much the passions of human nature, as to abstain from matrimony, in order to pursue the interests of the Gospel with greater abstractedness from the cares of the world:—a resolution which the reader will not be inclined to blame, if he happens to recollect what is recorded Matt. xix. 11, 12. and 1 Cor. vii. 7.

Those assertions of Jerome, which I have just quoted, on which both Wetstein and Madan chiefly rest their proof of the genuineness of the Syriac Epistles, as I have hinted already, cannot be literally true: because the epistle, which Jerome himself owns to be the *only* one that was admitted to be genuine by the antients, and as such acknowledged by him, contains no such doctrine.

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It contains many general exhortations to purity, as well as the epistles of St. Paul to the same church, which the then state of Corinthian manners made absolutely necessary. Dr. Lardner has well supposed that those frequent admonitions to *purity*, contained in this epistle, might induce Jerome to magnify them much in favour of the rigidness of his system, and to rank Saint Clement among the advocates for virginity. That learned writer has cited several passages out of St. Clement's Epistle to the Corinthians, which he supposes Jerome might have an eye to:—none of which can bear any such construction, if indeed they were referred to, as has been put upon them. It seems evident, that this writer, from a motive directly opposite to that of Mr. Madan, was violently bent on magnifying any thing that appeared the least favourable to his hypothesis, and consequently must have viewed St. Clement's writings with a very prejudiced eye, and exalted, from mere fancy, what scarcely deserved to be set down for conjecture, into the place of evidence:—which is no uncommon case with *warm*

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disputants, and will account for Jerome's *hyperbolic* expressions; for which he was notorious, and particularly in his writings against Jovinian. Dr. Grabe remarks,—“ Hieronymus, acriter disputans contra errorem Joviniani, HYPERBOLICE ait—Clementem omnem pene sermonem, &c. *Quales Hyperbolicæ locutiones* in ipsius scriptis, inque ipso illo contra Jovinianum, haud infrequenter occurrunt,” Vid. Grab. Spicel. Tom. 1. page 264. And Dr. Cave makes similar observations in his *Historia Literaria*. From all which it must appear, that the evidence of Jerome, brought to prove the genuineness of the Syriac Epistles, is good for nothing.

As to Epiphanius, the other and last evidence produced in proof of the authenticity of the Epistles published at the end of Wetstein's New Testament, he only remarks, in his book against the Ebionites, (Hæres 30.) *Αὐτός γάρ παρθενίαν διδάσκει, καὶ αὐτοὶ ἐδύχονται*—“ He “ teaches virginity, which these men do not “ admit.” But what has this to do with the genuineness of the epistles under consideration? It cannot be produced as any testimony
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in support of them. It must refer to the first epistle of St. Clement to the Corinthians, which was received by the primitive Christians as the only authentic production of that excellent Father, and to the second which bore his name, but was generally rejected as spurious.—I say, it is probable that Epiphanius referred to these epistles. But how do they teach virginity? They teach it no otherwise than as it had been taught by St. Paul before in *his* Epistles to the Corinthians. In reality they do not recommend it in such strong terms as that Apostle and his Lord had recommended it themselves. They do not teach it at all in the manner Madan has represented; nor is there a word in either against marriage itself. The strongest expressions that have occurred to me, in reading the second epistle, are *ὑπεραιεὶς ἀνίας*—*to be continent*, cap. 4. and *τὴν σάρκα ἀγνὴν τηροῦσθαι*,—*keeping the flesh chaste*, cap. 8. which is no more than a recommendation of a habit of *moderation* and *purity*, and is perfectly consistent with marriage. As to the first epistle, which is the only one that can be referred to as evidence, we find the same

doctrine inculcated ; but as admonitions are given to husbands and wives, without even a hint that marriage is a state less holy than that of celibacy, we cannot suppose St. Clement an opposer of marriage : but it will be best, to settle all disputes, to let him speak for himself.

Γυναῖξιν τί ἐν ἀμώμῳ καὶ σιμῇ καὶ ἀγνῇ συνιδῆσαι πάντα ἐπιτελεῖν παρηγίλλετε, σεργύσας καθηκόντως τὸς ἄνδρας ἰαυτῶν ἐν τῷ κανόνι τῆς ὑποταγῆς ὑπαρχούσας, τὰ καλὰ τοῦ οἴκου σιμῶς οἰκουργεῖν ἰδιδάσκουσας, καὶ πανυ σωφρονέουσας.*

cap. 1.—*Command ye wives to do all things in a spotless, honest, and chaste conscience—that they love their husbands according to their duty ; and, conforming themselves to the rule of obedience, that they administer domestic affairs decently, and conduct themselves always prudently.* We can conclude nothing from these precepts, but that the author was an advocate for marriage ; every other idea is preposterous. If he disapproved of marriage, it is utterly unaccountable that he should write about the duties of wives, without even giving a hint that might tend to the encouragement of celibacy, or the discour-

* Compare 1 Tim. v. 14. Ephes. v. 22. 1 Cor. vii. 3. and 1 Peter iii. 1, 2, 3.

agement

agement of the opposite state. That I represent rightly the sentiments of this excellent primitive Father, further appears by what he says, cap. 21. Τοὺς υἱοὺς παιδεύσωμεν τῇ παιδεῖαν τοῦ φόβου τοῦ Θεοῦ, τὰς γυναῖκας ἡμῶν ἐπὶ τὸ ἀγαθὸν διεδιδάσκοντες· τὸ ἀξιογάπητον τῆς ἀγνίας ἡθελῶν ἐνδείξασθαι· *Let us bring up our youth under the discipline of the fear of God; let us direct our wives in the practice of what is good: and let them shew forth a commendable pattern of chastity.* This not only confirms what has been already remarked; but proves, beyond all dispute, that *ἀγνία—chastity*—does not relate to a state of virginity. Also in confirmation of my general argument I may adduce the following evidence: Ζῆλος ἀπηλλοτριῶσιν γαμινάς ἀνδρῶν, καὶ ἡλλοίωσιν τὸ ῥηθὲν ὑπὸ τοῦ πατρὸς ἡμῶν Ἀδάμ· “Τὸτο νῦν ὄσους,” &c. cap. 6.—*Ill governed zeal hath alienated the affections of husbands from their wives, and hath changed what was spoken by our father Adam—this is now bone of my bone, &c.* (See Gen. ii. 23.) This shews of itself how much St. Clement honoured the *original institution*, and how careful he was of preserving conjugal affection; which militates against the idea of his disapproba-

tion of matrimony. It shews that he had the greatest respect for this connexion of the sexes, otherwise he would not have brought the argument he here has, against a principle which has done almost irreparable injury to the Church. He considered marriage as a divine institution, and noticeth the *blessing* that was pronounced upon it at first by the Deity. (Vid. cap. 33.) I ask whether this was not recommending the divine appointment as “honourable in all?” But like St. Paul, whom he is ambitious of following, and whose epistle to them he desires they will refer to for proof of what he said, (vid. cap. 47.) he would have marriage regulated by religious principles, that is, as a Father of the same century (Ignatius) expresses it, *καὶ αὐτὸν ἡγάγον*—which are the words of St. Paul himself. (See 1 Cor. vii. 39.) Hence occurs the recommendation of *chastity* and *continence* ; which are kept perfectly consistent with marriage, *hallowed* by those noble and refined principles I have just mentioned; worthy of a religious people, and productive of domestic happiness. Who will then object to the chaste maxims laid down by a disciple

disciple of St. Peter, which are consonant to what Christ and his Apostles taught, conducive to matrimonial happiness, and to the honour of Christianity? I cannot think that any will object, except those who marry from the grosser motives, which influence the *abandoned*, the *vicious*, and the *lewd*—those who have little of religion, and regard women *only* as the slaves of *brutal appetite*.

As this holy Father had the highest respect for marriage, sanctioned by the rules of the Gospel, so he had the greatest detestation of *polluted* and *lascivious* connexions, which he commands the Corinthians to avoid—

φύγετε . . . μιαιφάνες τε καὶ λαγνοὺς συμπλοκάς. Cap. 30.

And that he was a Monogamist appears from two direct references to the words of the *original institution itself*, as uttered by Adam, (Vid. cap. 6 & 33.)

The strongest expression that has occurred to me in reading this epistle, is, Ο ἀγνός ἐν τῇ σαρκὶ μὴ ἀλαζονεύσθω γινώσκων, ὅτι ἕτερος ἐστὶν ὁ ἐπιχορηγῶν αὐτῷ τὴν ἐγγάμιον. cap. 38.—*Let not him that is chaste in the flesh be puffed up with pride, knowing*

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“ soever professeth before the Lord, that
 “ he will preserve his chastity, ought to be
 “ girt with every holy virtue; and if, in-
 “ deed, he hath crucified his body for the
 “ sake of piety, he prays against the world,
 “ which faith, increase and multiply, and
 “ the whole mind, and cogitation, and con-
 “ cupiscence of this world.” Vol. III.
 page 5, 6.

I NEED not now advertise the reader, as it must evidently appear, that there is no resemblance between the genuine productions of St. Clement, and those Epistles published by Wetstein:—the sentiments are not the same, nor the manner of writing;—besides, the latter bear no traces of the apostolic times; but they bear evident marks of the corruption of later times, when, most certainly, they *first* made their appearance.

I HAVE been more diffuse on this *spurious* testimony, because it is Madan's *first*, and was intended to give a force to the deduction he meant to make in favour of his leading position. Besides, I had it in mind fully
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to do justice to the much-injured character of an apostolical Father ; which, I am persuaded, cannot be done but by a diligent perusal of his writings, which I readily undertook, not only for the reasons assigned, but because I know that all the catholic Fathers highly respected him, and most generally copied his sentiments ; so by ascertaining his genuine doctrines relative to marriage, we ascertain the doctrines of the generality of the catholic Fathers in the primitive ages of Christianity.

It is worth remarking, that, deprived of St. Clement, Madan has not one apostolical Father in the number of his advocates for virginity—not a single name in his partial and erroneous history of the first century ! I am not a little surprised that the public were not presented with an history of Saint Paul—as well as not to see him placed at the head of the opposition to marriage, together with Thecla, and particularly Anna, whose continence is recorded to her honour, Luke ii. 36, 37. These *chaste* characters, as they would often have suggested to our
author

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author the idea of *impious piety*,—so they would have afforded him most delightful opportunities for displaying his wit, and indulging his raillery—what subjects for a Thelyphthorite!

THE author has said nothing of the epistles of Ignatius and Polycarp, nor that of Barnabas, and Hermas is not even mentioned. If Madan had looked into the works of those venerable Fathers, he would have been furnished with matter for a complete history, so far as his subject required, of the first century. The reason why he passed them over in silence, can only be this, that they contain nothing that has even the remotest tendency to confirm what he contends for.

IN the second volume (page 138. N.) the author refers to an epistle of Ignatius to Polycarp, under the appellation of *horrid stuff*, and informs us that this writer teaches Christians, that “ their marriage, when
“ performed according to the will of God,
“ ought to be solemnized in the presence of
“ the Bishop.” It seems, by this translation,

as if he had never seen the original *. In this same epistle occurs the following expression, which is rational, and consistent with the New Testament :—*Εἰ τις δύναται ἐν ἀγνείᾳ μωῶν, εἰς τιμὴν τοῦ κυρίου, ἐν ἀναუχησίᾳ μνηστῆρος ἵνα καὶ ἡ σὴλαι ἀπαλειτο.*—*If any man can remain in chastity to the honour of the Lord and his example of purity, let him do it without ostentation, if he boasts he is undone.* Immediately after this the writer (Ignatius, in my opinion, notwithstanding Usher thinks otherwise) speaks of marriage with great respect, and recommends the intervention of the bishop.—Such doctrine as this cannot but be very unpalatable to the author of *Thelyphthora*. Indeed the very name of Bishop, and that of Christian Priesthood, seem to offend him †, (see vol. II. page 194. and N.) although

* Πρέπει δὲ τοῖς γαμῶσι καὶ ταῖς γαμήσαις μετὰ γνώμης τῷ Ἐπισκοπῶν τῇ ἐκείνῃ ποιεῖσθαι, ἵνα ὁ γάμος ᾖ κατὰ Κύριον, καὶ μὴ κατὰ ἐπιθυμίαν· παῖτα εἰς τιμὴν Θεοῦ γινώσκοντες.

† All the Fathers contain ‘ high notions of *episcopal* authority.’ Madan tells us, that ‘ all Christian believers are priests’—this is *modern Calvinism*. Calvin himself was an advocate for episcopacy—it was reserved for later Heretics to oppose an institution *scriptural* and *apostolical*.

these institutions are *apostolical*, and have the sanction of the uninterrupted usage of the church.

In a fragment of an epistle of Ignatius, preserved by Damascenus of the eighth century, and quoted by a writer of the twelfth, (Antonius Melissa) we find fully the sentiments of Ignatius, he expressly charges the church of Antioch—the church to whom it is addressed—to impose the yoke of virginity on no one, (*καθεναν ἑαυτοῦ κατὰ τὸν νόμον*) and recommends marriage to young men, before they are corrupted by lewd women. Dr. Grabe is pretty clear as to the genuineness of these passages; (vide Spicel. Tom. ii. page 24, 25.) and for the passages themselves; vide Damasc. lib. iii. Paral. cap. 27. and Anton. Meliss. lib. i. serm. 14.

Thus it plainly appears, that in the writings of those Fathers, who were the *immediate successors* of the Apostles, the *first* and *greatest* lights of the church, there is no injunction of celibacy, nor any recommendation

ation of it equally forcible with the doctrine of St. Paul.

THE later Fathers, though some of them had high ideas of virginity, very highly respected, and always recommended marriage, except when it was contracted upon principles that interfered with the essentials of Religion. Origen, of the third century, is of opinion, that married persons may be *equally holy*, and equally acceptable to God, as those in a virgin-state, if they are pure and upright in other respects. (Vide Epist. ad Rom. lib. 9.) And Cyprian, notwithstanding the author of Thelyphthora tells us that he “ says much of the great advantages of virginity,” (vol. III. page 12, 13.) expressly declares that “ it is no where commanded as a duty ;” (vide Tract. ii. de Hab. Virg.) but that every one has liberty of choice,—Non jugum necessitatis imponit quando manet arbitrium liberum. I might instance also in the fourth century, and downwards through the whole succession of catholic Fathers ; the result of which would be, that, although some few had extravagant

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gant notions of virginity, yet they do *not* blame marriage. I appeal to those who have read the Fathers, whether or not these conclusions ought, or ought not, to be drawn from a continuation of my enquiry? If I do not misunderstand the writings of those Fathers, they do not blame marriage—they *only* blame the principles of some who entered into this state merely to gratify *brutal appetite*. They seem uniformly to teach, that the married life should be engaged in for the procreation of children—to prevent incontinency—and for mutual society and support; which is scriptural, and is the doctrine of our church. See the Form of Solemnization of Matrimony in the Book of Common Prayer.

WHAT I have observed, relative to the primitive Fathers, is confirmed by the apostolical Canons.—Εἴ τις Ἐπίσκοπος ἢ Πρεσβύτερος ἢ Διάκονος, ἢ ὕλως τῷ κατὰ λόγον τῷ ἱερατικῷ, γάμω, καὶ κρηνὴ καὶ οἶνος, ὃ δὲ ἀσκησιν, ἀλλὰ διὰ, ἐδελυρίαν ἀπείχεται, ἐπιλαθόμενος· ὅτι πάντα κατὰ λίαν, καὶ ὅτι ἄρσεν καὶ θῆλυ ἐποιήσει ὁ Θεὸς τὸν ἄνθρωπον, ἀλλὰ βλασφημῶν διαβάλλει τὴν δημιουργίαν, ἢ διορζύσθω, ἢ καθαιρέσθω, τῶς καὶ ἐκκλησίας ἀποβαλλέσθω ὡσαύτως καὶ λαϊκός.—Canon 51.

“ IF

“ If any Bishop, Presbyter, or Deacon, or
 “ any of the Sacerdotal Catalogue, do *abstain*
 “ *from marriage*, and flesh and wine, not
 “ for mortification, but out of abhorrence,
 “ as having forgotten that all things are very
 “ good, and that God made man, male and
 “ female, and blasphemously reproaching
 “ the workmanship of God; let him amend,
 “ or else be deposed, and cast out of the
 “ church: and so also shall a Lay-man.”

As to the genuineness of these Canons, the reader may see what the learned Bishop Beveridge says in his *Codex Canonum* Ecclesiæ Primitivæ Vindicatus ac Illustratus*, as also what is said in his *Pandectæ Canonum, &c.*

* These Canons were the discipline of the Apostolical Church, and there are many reasons to believe that several of them were drawn up by the Apostles themselves, and St. Clement their associate: many respectable authorities contend for this; and in general, in the writings of the ancients, we read of them under the appellation of *Ἀποστολικὰ Κανόνες*. The rest of them, probably, were compiled as occasion demanded, some about the latter end of the first century, and others in the second. That which I have quoted above seems to have been drawn up by the Catholic Fathers of the second century—a thought suggested to me from reading Irenæus *Contra Hæres.*

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Proleg. et Annotat. From what this worthy Prelate has asserted, to say nothing of Ceterius and others, we have every reason to subscribe to the authenticity of the apostolical Canons.

It is decreed by the Canons compiled at a synod held at Gangra, a city of Asia Minor, about the year 340, which Canons were made part of the Code of the Universal Church,

Εἰ τις τοῦ γάμου μίμνηται—ἀνάθημα ἐστίν. Canon. 1.—*If any one reproach marriage, let him be anathema.*

Balsamon and Zonaras have assigned very good reasons for this Canon, viz. Because St. Paul said “ marriage is honourable in all, and the bed undefiled,” Heb. xiii. 4.

And it is further decreed by the same synod,

Εἰ τις διακρινόησιν περὶ προσκυτάρι γεγενημένον, ὡς μὴ χρῆναι, λειτεργασαίῳ αὐτῷ, προσφορὰς μεταλαβεῖν, ἀνάθημα ἐστίν *. Can. 4.—

If any one argue against a married Priest, as if he ought not to partake of the oblation when he performs the Liturgy, let him be anathema.

* The practice of the Church of Rome, and Can. 9. Sess. 24 of the Council of Trent, are at irreconcilable variance with this Canon.

FROM

FROM all the above authorities, it will plainly appear to every impartial reader, that the author of Thelyphthora has failed in his principal—I may say essential—part of his argument from antiquity, and that his representations of the primitive Christians, those that lived in, and nearest to, the apostolical times, are disingenuous and *erroneous*.

THAT there are no traces of Polygamy in the Apostolical Fathers—no explicit rules for its prohibition, (except those of Hermas) is a circumstance that can only be accounted for by supposing that it had *then* no existence among Christians.

THE second century produced some great heretics, *when* Polygamy was *first* vindicated and practised. *Then* the catholic Fathers *all* gave their direct judgment against it. Occasion called for their testimony in opposition to it; and they were not wanting in their duty.

IRENÆUS, who writ against the heresies of his time, names Tatian as the introducer of a doctrine, which he justly denominates *blasphemy*, relative to the unlawfulness of marriage,

marriage, which was afterwards more extensively propagated by Saturninus and Marcion: this he contrasts with the errors of Basilides and Carpocrates, who argued for the lawfulness of Polygamy; and he condemns both with the most pointed detestation. This respectable author, before he mentions the errors of the Continents, the followers of Tatian, tells us, that, though they did not acknowledge themselves the disciples of Simon Magus, yet, says he, *illius sententiam docent*,—lib. i. cap. 30. Edit. Grab.—“they teach his doctrine.” After several other observations, the reverend Father proceeds thus: “They who are called Continents, from Saturninus and Marcion, preached up celibacy, annulling the primitive design of God, and obliquely accusing him who made male and female for the propagation of mankind.” After noticing their abstinence from meats, and the unjustifiableness of it, he adds, “Tatian was the first introducer of this blasphemy*.”

* Ἀπὸ Σατορνίνου καὶ Μαρκίου οἱ καλέμενοι ἐγκρατῆς ἀγαμία ἐκέρχον, ἀδελφῶν τῶν ἀρχαίων πλάσσει τὸ Θεῷ, καὶ ἥρμα κατηγοροῦντες τὸ ἄρρεν καὶ ὄντο ἐς γένεσιν ἀνθρώπων κτιστικῶς. —Τατιανὸν τινὲς πρῶτος ταῦτα δοκίμασαν τὸ βλασφημεῖν. Lib. i. cap. 30, 31. Edit. Grab.

This

This Tatian was the disciple of Justin Martyr; a circumstance that the author of Thelyphthora has taken care to inform his readers of; but omits several others, which, in an united view, place his character in its true light. Indeed, those who have not read Irenæus, might be led to think that the disciple learned his tenets from his master*; and Madan seems endeavouring to lead the reader into this error, by representing Justin Martyr as an opposer of marriage, because he said, in his first apology, according to Thelyphthora, “that among the
“Christians, there were a great† many of
“either sex, who, for sixty or seventy years,
“had kept themselves single and uncor-
“rupt.” (Vol. II. page 113.) After some remarks, which do no credit to the maker of them, we are told, “that so early as the
“second century, there were a set of people
“who called marriage *a carnal thing*, and

* Barbeyrac, who seems to be as ignorant of the writings of Irenæus as the author of Thelyphthora, has fallen into the same error. See *Traité de la morale des Peres*, chap. ii. § 7.

† Great is an interpolation—Justin’s words are καὶ πολλοὶ ἄνδρες καὶ γυναῖκες. Vid. Apol. i. page 22. Edit. Thirlb.

“ unlawful for Christians under the gospel,” (page 114.) But this set of people were not the Catholic Fathers, but the heretics who were in the opposite class to those more abandoned heretics—the *Polygamists*, who were headed by Basilides and Carpocrates—whose doctrine Thelyphthora defends, which contains only *Primitive Heresy revived*†. Of the truth of this the author himself must be convinced, if he will take the trouble of reading *Irenæus contra omnes Hæreses*. As to Justin Martyr, he was *equally* the enemy of both the Continents and the Polygamists. Here we have a glaring instance of Madan’s misrepresentation of the doctrines of the primitive church in the second century, proceeding, probably, from his being wholly unacquainted with the writings of Irenæus.

BUT to put the matter out of all doubt that Tatian did not borrow his principles from his master, which the author of Thelyphthora insinuates, Irenæus, in immediate

† The author means so far as the doctrine of Polygamy is concerned.

connection with his name, and his *blasphemy* of teaching abstinence from marriage and meats, informs us, that he “ was the hearer of Justin; but that all the time he continued with him, he never narrated any such thing: but after his martyrdom, apostatizing from the church, he, haughty and elated, from an arrogant opinion of himself as a master, as if he excelled others, exhibited the proper character of such a master, (teaching a doctrine of his *own*) saying that marriage was a corrupt thing and fornication, as did Marcion and Saturninus *.”

In direct opposition to these pernicious principles of Tatian, Irenæus places the licentious system of Basilides and Carpocrates, who had run into the contrary extreme, by contending for Polygamy: Ali autem rursus à Basilide et Carpocrate occasiones accipientes,

* ‘Ος Ιωάννης ἀκροατὴς γεγονὼς, ἰφόσκει μὲν συντὴν ἰουάνην, ὑδὲν ἐξίφηνε τοῖς αὐτοῖς· μετὰ δὲ τὴν ἰουάνην μαρτυρίαν ἀποστὰς τῆς ἐκκλησίας, αἰνῶντος διδασκαλῶν παρθεῖς καὶ τυφωθεὶς ὡς διαφέρων τῶν λοιπῶν, ἴδιον χαρακτὴρα διδασκαλίᾳ συνεισήσατο· — τὸν γάμον τε φθορὰν καὶ πορνείαν παραπλησίως Μαρκίωνα καὶ Σατορνίνον ἀπαγορεύσας. Lib. i. cap. 31. Edit. Grab.

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indifferentes coitus, et multas † nuptias induxerunt, lib. i. cap. 32. Edit. Grab.—

“ Others, on the contrary, taking occasion
“ from Basilides and Carpocrates, have in-
“ troduced *indiscriminate lewdness and poly-*
“ *gamy.*”

BUT the reader may think that multas nuptias—*πολυγάμιας*—may mean second and third marriages, especially if he should happen to recollect what Madan says, (vol. II. page 125.) that “ a man’s having two wives
“ at once, and a man’s marrying a second
“ after the death of his first, however Dr.
“ Cave, or any other of their apologists may
“ endeavour to abate the asperity of their
“ censures, they BOTH were esteemed by the
“ ancient Christians and primitive Fathers
“ EQUALLY unlawful.” This is asserted

† It is most probable that the word used by Iræneus, which the old Latin translator has rendered *multas nuptias*, was *πολυγάμιας*—*Polygamiam*—Polygamy. The word is derived from *πολὺς*, *multus*, and *γάμος*, *nuptiæ*; therefore, agreeable to its radical import, might very properly be translated *multas nuptias*, as *nuptiæ* has no singular number. Some have thought that the Greek compound must be *πολυγάμος*, which is an adjective, and therefore not likely to be used here.

against

against the strongest evidence. All those who have *read* the Fathers, I am persuaded, will readily agree with me in affirming, that the primitive Fathers *freely* allowed second marriages on the same principles that St. Paul himself did : the later Fathers were agreed as to the *lawfulness* of them, but they differed as to the *propriety* and *decorum* of the thing ; so, consequently, some allowed them readily, others reluctantly, and some not at all. But with respect to Polygamy, they were ALL agreed upon the *unlawfulness* of it. Now, since the most antient Fathers did admit freely of second marriages, and as the later Fathers, who looked upon them rather in an *unfavourable* light, never pretended to bring any declaration of the Gospel against them, but argued upon the grounds of prudence, domestic peace, and the indelicacy of the thing : it cannot even be supposed that Irenæus ranked second marriages among the most abandoned connections, (*indifferentes coitus*) and their defenders among the vilest of blasphemous heretics. This is in the highest degree improbable :—indeed, the contrast speaks for itself. Tatian and his followers,

followers, the Continents, blasphemously declared against all marriage, and would not even allow a man *one* wife. Basilides, Carpocrates, and their followers, fell into the opposite error, and permitted *πολυγαμίαν*—*multas nuptias*—*many wives at the same time*. And I am confirmed in this opinion, by Irenæus quoting, and appealing to, the Shepherd of Hermas *, as sacred authority, who speaks of second marriages with great respect, and pronounces them *not sinful*: *Si vir vel mulier alicujus decesserit et nupserit aliquis illorum, nunquid peccat? Qui nubit NON PECCAT, inquit. lib. ii. Mandat. 4.*—*If the husband or wife of any one should die, and the surviving party marry again, is there any sin in such (second) marriage? The person who marries (in this case) DOES NOT SIN, says the Angel.* If this had been heretical doctrine, Irenæus, instead of appealing to him on any occasion as *sacred authority*, would have censured his opinion, and would have consigned him to the company of heretics; but as the case is, it is plain to a demonstration that *multas*

* Compare Irenæus *Contra Hæres.* lib. iv. cap. 37. Edit. Grab. and *Hermæ Pastor*, lib. ii. Mandat. 1.

nuptias means a plurality of wives at once, and nothing else.

MADAN, by his unqualified assertions, *dogmatically* contends that second marriages were generally condemned by the Fathers; and thus, by asserting too much, has proved nothing. The truth is, that at an early period those gloomy fanatics, the Montanists, did condemn second marriages; and Tertullian, after his * defection from the church to the errors of this sect, writ a book in defence of his novel tenets, and expressly condemned them—though he admits that they were practised by the primitive Christians. But what was the consequence? He was looked upon as an *apostate*, and his book was *rejected* by all the orthodox.

* At this time he lost his respect for Hermas; before, he considered him as a venerable author. (Comp. *Tert. de Orat.* cap. xii. with his book, *de Pudicitia*, cap. x.) The change is not to be wondered at: Hermas pleaded for the *lawfulness* and *innocency* of second marriages, which Tertullian, when a Montanist, could not bear the thoughts of; therefore he hated the author of this doctrine.—O the *fatal prejudice of system*! From this arises Madan's hatred of all the Fathers.

BUT

BUT although the author of Thelyphthora, if he had any inclination to know the truth, might soon learn to whom the heresy of the condemnation of second marriages should be imputed; yet he is incessant in his attempts to draw in some of the Catholic Fathers, and for this purpose goes back to a very early period, and names Clemens of Alexandria. “ This Clemens of Alexandria, whatever he might write on behalf of marriage itself, did not approve of second marriages. Du Pin, who reckons Clemens among the writers of the third century, says, though he does not entirely condemn second marriages, yet he blames them.” (Vol. III. page 10.) As to Du Pin himself, he does not always represent rightly the mind of the Fathers; and, besides, his translations are sometimes faulty, as will appear to any of the learned, who may chuse to read his voluminous performance. But with respect to Clemens, I will venture to affirm, that, if he had *blamed* Polygamy in the same way he has done second marriages, Madan would have been upon very *friendly* terms with him, and his testimony

mony would have been denominated *scriptural* and *conclusive*. He teaches that the apostle (St. Paul) gives liberty to *every one* to contract second marriages—that there is no sin in them relative to the former covenant—and any one *ἡ γὰρ ἀναίρεται ἀπὸ τοῦ νόμου*—*is not prohibited by the law*. After these concessions, this writer can no way be ranked among the opposers of second marriages, notwithstanding what follows, that he, who does engage in them, “doth not arrive to the *highest* “standard of perfection which is proposed “in the Gospel.” Vid. Clem. Strom. lib. iii. page 336. Edit. Lug.

NEXT in order comes Tertullian, whom, with the whole sect of the Montanists, I readily give up.

IMMEDIATELY follows the venerable name of Athenagoras, who closes Madan's history of the second century; and all that could be said of him is—“Athenagoras “commends virginity—condemns * second

* I will beg leave to remind my readers, that this is brought to prove that second marriages and polygamy were esteemed *equally unlawful* by the primitive Fathers. Thelyph. vol. II. page 125. N.

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“marriages, calling them honest adultery.”—*Honest adultery* is a very odd translation of *εὐπρόκρινος μοιχεία*!—But I will do the author of *Thelyphthora* the justice to say, that he is only answerable for it in the capacity of a copier. We find him here, as in many other places, dealing in general assertions, which may pass with a superficial reader, but are too vague and indeterminate to stand the test of criticism, or to satisfy the inquisitive mind. If he had descended to particulars, it would have been *ruinous* to his cause: but unless we do descend to particulars, it is impossible to determine where the truth is. Then the only thing to be determined is—upon what principle Athenagoras condemned second marriages. He condemned them upon the same principle our Saviour did, that is, not when they were entered into in consequence of death, but from *causeless divorce*. When this worthy Father writ his apology, divorce, for trivial causes, was very common among both the Jews and Heathens—one pleaded the law of Moses, the other the law of the Romans. But this apologist pleaded the laws of Christians,

tians; relative to marriage, which were, that a man should have but one wife at the same time—that he should not put her away, except for incontinence: but if he did put her away without this reason, and married another, he must be considered as “*a masked adulterer*,” even after his wife, unlawfully divorced, was dead. That Athenagoras speaks only with an eye to unlawful divorce, is evident from his making the man answerable for the transgression *voluntarily* committed by the putting away his wife. This is inapplicable to losing her by death; because in this case he could not be said to put her away, nor—*ἀλλ’ οὐδὲ τὴν σάρκα πρὸς σάρκα κατὰ τὴν ἰσχυρὰν πρὸς μὴν τὴν κοινὴν κοινότητα*—*dissolving the union between flesh and flesh—the common medium of generation*. If we view this as applied to divorce, it is perfectly consistent with the New Testament, and the doctrine of Christ, to which it makes a direct and formal appeal. Contemplated in any other way, it is impertinent, absurd, and contradictory;—indeed, this passage of Athenagoras speaks for itself:—if it is only rendered according to the common acceptance of the words, it will

will be found to speak the language I have advanced:—the whole I shall put in the margin, for the inspection of the learned reader, who will have an immediate opportunity of judging of the solidity of what I have advanced on this subject †.

JUSTIN MARTYR, nearly a cotemporary Apologist, concurs in the same principle. On Matt. v. 32. with some other texts of Scripture, he observes, “ our master teaches “ that they are finners, who, under the “ sanction of *human laws*, engage in se- “ cond marriages.” (Vid. Apolog. prim.) On this passage Dr. Thirlby has the following very pertinent and judicious note:—*Sunt qui Post DIVORTIA, secundas nuptias, legibus humanis non vetitas, contrahunt; quæ Grabii et Perionii sententiâ fuisse vide-*

† Η' οἷος τις ἐτίχθη μέντοι, ἢ ἐφ' ἐν γάμῳ· ὁ γὰρ διότιμος ἐνπρίτως ἐνὶ μοιχείᾳ· ὅς γάρ αἱ ἀπολύσει, φησί, τὴν γυναῖκα αὐτοῦ, καὶ γαμήσῃ ἄλλην, μοιχεύεται· ὅτι ἀπολύειν ἐνπρίτως ἢ σπύσει τις τὴν παρθένον, ὅτι ἐπίγαμιν· ὁ γὰρ ἐπιγάμιν ἰσχυρὸς τῆς πρὸς τὴν γυναῖκα, καὶ ἐν τῷ νόμῳ, μοιχὸς ἐνὶ παρανομίᾳ, παραβαίνει μὲν τὴν χεῖρα τῷ Θεῷ (ὅτι ἐν ἀρχῇ ὁ Θεὸς ἰσχυρὸς ἄνδρα ἰσχυρὸν καὶ μίαν γυναῖκα) λῶν δὲ τὴν σάρκα πρὸς σάρκα κατὰ τὴν ἑσέω, πρὸς μίαν τὴν γυναικὸς κοινῆς. Vid. Athenag. Legat. Sect. 27.

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tur. Hence it demonstrably appears that Athenagoras and Justin Martyr taught precisely the same doctrine. They both evidently apply our Saviour's prohibition to the man and the woman:—the man could not divorce his wife and marry another, without committing adultery; neither could the divorced woman marry without being guilty of the same crime. *Human laws* allowed such practices, but they were repugnant to the laws of Christ. This is what those ancient Apologists taught*, which is, in my opinion, strictly conformable to the New Testament.

O

UPON

* From not attending to this distinction, several writers of eminence have had very wrong ideas of the opinions of the Fathers, on the subject of second marriages. Hence Barbeyrac says, “*Franchement le nombre des Pères de l'Eglise, qui condamnent les Secondes Noces, est trop grand, leurs expressions ont trop de rapport ensemble, pour admettre un sens favorable, & pour ne pas donner lieu de croire, que ceux qui se sont exprimés moins durement, que les autres, n'en étoient pas moins au fond dans les mêmes idées, qui se sont introduites de fort bonne heure.*” *Traite de la Morale des Peres*, chap. iv. § 14.

This writer ranks Irenæus among the condemners of second marriages, only because he has said “*Miserante Domino nostro Jesu Christo Samaritanæ illi prævaricatrici, quæ*

UPON this principle also we find, in the Code of the Universal Church, Canons against Bigamists and Trigamists, whereby penance was inflicted. Many, taking occasion from human laws, which allowed divorces for trivial reasons, put away their wives, and contracted another marriage before the former was dissolved, in *which case* penance was enjoined: for it does not appear from any satisfactory evidence, that the primitive Church punished the marrying a second wife after the death of the first. We have every reason to suppose the contrary from the writ-

in uno viro non mansit, sed fornicata est in multis nuptiis," lib. iii. cap. 19. Edit. Grab. It must be evident to every intelligent reader, that this can have nothing to do with second marriages—it is too plain even to be made a question of. Dr. Grabe has the following judicious note upon it:—
 “*Non secundas vel tertias damnat nuptias; sed multorum adulteriorum ream Samaritidum intelligit.*” Barbeyrac, it is evident, has viewed the writings of the Fathers in a detached and partial light, or rather, I may say, like some other authors, he has sat down to dissent on their opinions without reading the books that contain them—that he has never read Irenæus, is demonstrably certain from his flatly contradicting him concerning Tatian's heresy, and the origin of it.—Compare Barbeyrac *Traité de la Morale des Peres*, chap. ii. § 7. and Irenæus, *Contra. Hæres.*, lib. i. cap. 21.

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ings of the primitive Fathers, which are the best evidence in this case, and fully prove what I am contending for.

MANY more testimonies might be brought to prove the fallacy of Madan's assertions relative to the doctrines of the church, in early times, concerning second marriages : I shall produce a few that are satisfactory and decisive.

EPIPHANIUS, of the fourth century, in his book against the heresies of the Cathari, says, " by no means is that man to be condemned, or excluded from the society of the faithful, who is not satisfied with living single after the death of his former wife, but marries another ; nor is a woman to be condemned, who acts the same part after the death of her husband." In the fifth century we find St. Austin of the same opinion :—he speaks of the Montanists with contempt, whom he denominates *Fanatics* ; and he particularly mentions Tertullian with the most poignant detestation, for condemning second marriages, when St. Paul had

had declared the *lawfulness* of them, and had not fixed any mark of disgrace on them.— (Vid. de Hæres. cap. xxvi.)—St. Chrysostom, Madan himself tells us, “ proves that “ second marriages are not forbidden ;” but at the same time we are told, that he taught that “ it is better to forbear.” In reality, this eloquent writer says, “ second marriages “ are *not denied* to Christians :—they are “ *only* exhorted, if they have the gift of “ continence, to be content with the first.” Vid. Orat. de Ux. et Pulchrit. Then it evidently appears, that even the Fathers of the fifth century allowed second marriages, upon the same principles St. Paul did ; but, like that Apostle, they did not highly respect them : And upon the whole, we may safely conclude, that the primitive Fathers neither prohibited nor punished such second marriages as the law of God allows.

THE present argument, I presume, does not require that I should say any thing more about the Fathers ; and as to going down farther towards the æra of the reformation, I look upon that totally unnecessary, till the

the question assumes another form. It cannot be expected that I should defend the *innovations* of the Bishops of Rome; and as to the generality of the Popes, and the rabble of Monks, with their several abettors of whatever description, I would not make a single scratch with my pen, in their defence, even if it would save them from the lash of Madan.

CONCERNING the *Monogamy* of Christians, we have the testimony of Justin Martyr to vouch for that fact—a testimony of great importance; because he flourished at an early period after the Apostles, as is attested by Eusebius, and Methodius, Bishop of Tyre. (Vid. Cave's Lives of the Fathers, vol. I. page 140. edit. 2.) Towards the end of his Dialogue with Tryphon the Jew, (which dialogue fully exposes the weakness of the Jewish cause in all its pleas against Christianity) *polygamy* is spoken of with mingled contempt and indignation, and is reprobated in the strongest terms. He calls the Jewish Rabbins—*ἀσύνετοι καὶ τυφλοὶ διδάσκαλοι*—*senseless and blind doctors*, for encouraging polygamy un-

der the pretended sanction of patriarchal example. Vid. Just. Dialog. cum. Tryph. par. secund. page 438.

To the above most respectable evidence I shall add another not less so, that of Theophilus* of Antioch. This venerable man wrote three books, inscribed to Autolycus, whom he took much pains to convert. In the second (page 150.) he speaks of Lamech as the introducer of polygamy; agreeable to the Bible, he expressly and absolutely attributes to him *αρχὴ τῆς πολυμυξίας*. This excellent Bishop condemns polygamy in its origin, and emphatically in the term *πολυμυξίας*—a most opprobrious word, which he afterwards applies to the *infamous adulterous* marriages of the heathen deities. To the licentious practice of a plurality of wives at once, he opposes the *monogamy* and purity of Christians. (*Χριστιανῶς μονογαμία τηρεῖται*, lib. iii. p. 234.)

FINALLY, the testimony of the Fathers, so far as my present argument is concerned,

* His writings are said to be “elegant tracts, and greatly conducive to the edification of the church.” See Cave’s *Lives of the Fathers*, vol. I. p. 178. edit. 2.

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in order to shape an answer to Thelyphthora, is merely a testimony as to matter of fact, to which they are competent evidence, if we only allow them the credit due to historians. They are all witnesses of a *general* practice—obvious—unquestioned. What I contend for is not the testimony of a few only—it is the *concurrent* testimony of ALL—it is given in the *clearest* language by the *first* and *greatest* lights of the church, whose prejudices could not misrepresent, nor their ignorance mistake an *obvious fact*. Hence, notwithstanding their other dissensions, we here find the completest harmony; which fully proves that the fact was too *notorious*, either to be mistaken or misrepresented.

FROM what has been advanced, not from hear-say evidence, or the assertions of prejudiced writers, but from those books whence the *genuine* sentiments of the Fathers can only be learned, the reader is in possession of such decided proof, as will lead him to conclude, that Madan's history of the opinions and practices of the primitive Church is a compound of ERROR and MISREPRE-

200 THOUGHTS ON

SENTATION—his arguments DELUSIVE and
DANGEROUS—his whole system UNSCRIP-
TURAL—UNAPOSTOLICAL—and the ten-
dency of his work IMMORAL,

END OF PART THE FIRST,

PART THE SECOND.

CONTAINING MORE PARTICULARLY,

THOUGHTS

ON

POLYGAMY,

SUGGESTED BY THE DICTATES OF

Scripture, Nature, Reason, and Common-Sense:

INCLUDING A DESCRIPTION OF

MARRIAGE and its OBLIGATIONS;

A CONTEMPLATION OF OUR

National SYSTEM of LAWS relative thereto;

AND PARTICULARLY AN

EXAMINATION of the PRINCIPLES

and TENDENCY of 26 Geo. II. c. 33.

COMMONLY CALLED

The MARRIAGE ACT.

WITH OTHER INCIDENTAL MATTERS.



THOUGHTS

ON

POLYGAMY.

PART the SECOND.

INTRODUCTION.

IT was not before a second edition of *Thelyphthora* made its appearance, that the writer of the following pages had serious thoughts of sitting down coolly and deliberately to contemplate its principles and tendency; for, before that, he could not tell in what point of view to consider its author: but the circumstance of a second edition shews that he is *serious*, and tenacious of his opinions, as well as indefatigable to bring others to a conformity with them. If those opinions had been really founded on a true interpretation of the word of God, or,
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in other words, consonant to the spirit of the Bible and the letter of the New Testament, they would have met no literary opposition; but as I conceive them to be the very reverse of what is *scriptural* and *rational*, I think opposition becomes a duty, and I have joined in the opposition accordingly. As those tenets are maintained with all the obstinacy which prejudice and bigotry, assisted by ingenuity and ability, are capable of, I find myself, having taken a leading part, under the necessity of considering particularly the matter of polygamy, not superficially, but minutely, by entering upon particulars, in order fully to detect error and defend truth.

For these several reasons, I cannot rest my defence of our national system, with respect to marriage, entirely on those cursory remarks that I have already made, on the advanced reasoning for the adoption of polygamy: however, what has been said will be a caveat against *implicit belief*, and will tend to divest the subject of some foreign and heterogeneous matter artfully incorporated with

with it: therefore I now proceed to consider the subject of *Polygamy* more at large, to set it in a *true* and *scriptural* light, and wholly to divest it of that heap of absurdity with which prejudice has not only sanctioned, but obscured it. And in this attempt, I shall not omit any weighty argument, merely because it may have been used by others, in defence of *Monogamy*; but shall intentionally adopt some, that appear to me not to have had their full weight, merely because some circumstances have not been sufficiently attended to. As to the pamphlets lately published, which are levelled directly against Thelyphthora, what they contain, I thus publicly declare, I know not; nor do I intend, till this is finished, to look into one of them; not out of any disrespect to those publications and their authors; but that I may keep undisturbed that train of thinking suggested to me by the reading the Holy Scriptures, and the best Commentaries on them; in order to delineate on paper a system of rectitude, as I conceive, agreeable to *reason* and *common sense*, as well as to the *divine law*, without the imputation

imputation of having implicitly followed *partial* writers. Indeed, implicitly to follow any writer, is at best but to add an useless book to the useless many already published ;—this conduct has often worse effects, such as the support of error, and thereby, in time, making it sacred by a sort of prescriptive right. Yet writers, upon the same subject, will sometimes inevitably fall into the same way of reasoning, and into similar sentiments and expressions, though they may be unacquainted with each others thoughts; but it may be presumed that they will as often reason in different ways :—thus we have a view of the variety of arguments that learning and abilities can adduce—see the united force of them, and the utility of each in particular to the circumstances of persons, time, and place ;—and here also we may discover the necessity of many writers. In contemplation of this, I flatter myself, that from all the writers against polygamy, arguments may be drawn wholly to confute, in the opinion of mankind, those brought for it. As to my own, if they contribute but a *little*—if they contribute *any thing*—
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in conjunction with my fellow-labourers in the same business, to this important end, in which the *good of society* is materially involved, I shall feel a superlative pleasure and happiness. It will also afford no small pleasure to discover where the truth is—there is something uncommonly agreeable in discovering and demonstrating satisfactorily the truth—not only mathematical, of which those must be very sensible who have studied Euclid, but also *moral* and *religious truths*. This pleasure I can upon no occasion deny myself; therefore no power, or authority, merely human, shall ever divert me from it. Though I feel myself thus wholly unbiassed, and ready to admit truth and right reason wherever they may be found; yet such human authorities as are consonant to truth, deserve high respect, and ought not to be rejected in evidence. In regard to my assertions, my only wish is, that they may be candidly compared with Scripture, and tried by that ONLY RULE OF RIGHT. The omission of this, I am very sensible, must, in the course of things, be productive of mistakes, as well with respect

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to the reader as the writer:—for omitting this caution, the reader may form a very wrong judgment of what he peruses; and writers may produce flourishing harangues, subtle disputations, or geometrical proportions of moral fitness or unfitness, just as fancy may dictate; but no such thing as a *scriptural exposition of Scripture*.

WITH respect to the interpretation of the Bible in particular, we, who are to worship God in a spiritual way, should keep in view its *spiritual sense*, which only will take off that veil of *obscurity* and *literal deadness* which pervade the *Mosaic Law*. This I thought necessary here to observe, lest any should imagine that the letter, and not the spirit of the law, was obligatory. For we must serve God *ἐν καινότητι πνεύματος*, καὶ ὃ παλαιότητι γράμματος—*in newness of the spirit, and not in oldness of the letter*, Rom. vii. 6. The New Testament, it is plain and obvious in most cases, contains a *perfect rule of life*, and its explicitness in general operates against any mistakes we might be led into from the conciseness of the Bible. These two de-
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pendent systems I shall soon consult, to see whether or not they condemn polygamy.

BUT, besides a contemplation of the Divine Law, which I set out with in the following sheets, after having adjusted some previous necessary business, and on which I intend chiefly to rest my defence, I shall take a view of *Society and Manners*, so far as is necessary to my present purpose, and particularly among the most civilized nations, where learning, and the arts and sciences, have flourished; that the *dictates of reason and common-sense*, in this case, may be clearly ascertained:—and I shall also pay attention to original manners antecedent to any forms of government, civilization, or any prejudices of education, in order to discover the language of *simple Nature herself*. Not that I think those have, or ought to have, any weight in opposition to the word of God—to suppose such a thing would be absurd; and no less so the position—that God has commanded practices contrary to Nature uncorrupted, Reason well-informed, or Common Sense unprejudiced.

As to excellence of composition abstractly considered, it ought not to be wondered at, if it be found on the other side. When a man for many years has turned his thoughts chiefly to one subject, or the vindication of some particular hypothesis ;—when all his reading has tended that way, and correspondent materials and opinions have been industriously collected from all quarters, and leisurely digested and formed into a system, by experienced judgment, learning, and abilities, and sometimes perhaps by *professional quirks* and *quibbles* ;—there is all the reason in the world to suppose that he may have the advantage, in point of composition, over the author of a more hasty production ; even although their abilities were equal, and may have argued so strongly in favour of error, as not to be easily confuted. The following work, being opposed to one of the above description, itself but the production of a few months, and the writer young, both as to years and composition, must, most certainly, make its appearance with some disadvantage : but if it should be found on the side, and vindicating the cause, of truth,

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the world, it is to be expected, will not be led away so far with appearances only, as to disregard plain and artless facts, merely because they have not those embellishments, nor are supported by that sophistry and chicanery, which are the constant concomitants of error, and without which error cannot exist.

C H A P. I.

O n . P O L Y G A M Y .

OF all the schemes that have been communicated to the world, within the compass of my observation, whose declared objects have been public happiness and public utility, none has been more remote from the proposed end, than that of Polygamy ; for if we estimate this practice by the rules of sound reason, the apparent evils, which are, and ever must be, the consequence of it, in the common course of things, demonstrate it to be destructive of human felicity ; and therefore no friend to society can consistently advise its introduction. It tends at once to open a door to the licentious gratification of the most uncontrollable lust, and tyrannic cruelty ; — to promote domestic quarrels, and all the horrid and alarming consequences of the most enraged jealousies ; not to mention the neglect of the education of youth, on which the very existence and
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well-being of a state necessarily depend, with an innumerable train of other mischiefs, the appendages of those already mentioned.

POLYGAMY is equally abhorrent from Scripture, Nature, and Common-sense. The general tenour of the Scriptures militates against the idea of a plurality of wives:—it is inconsistent with the strictness of the conjugal union, as enjoined and exemplified by God *himself* in his institution of marriage, contrary to all the plain precepts of the Bible, as well as the New Testament, repugnant to the conjugal discipline solemnly commanded by Christ, and particularly so to that illustration of it by his Apostle St. Paul,—the description of the relative duties of husband and wife.

BUT when I hear it alledged, that some particular detached passages of Scripture,—obscure, odd, and unpromising in themselves, when separated from the whole, but otherwise rational and consistent—do make polygamy a duty, I am led to take the sense of

Scripture in general, to *compare spiritual things with spiritual*; or, in other words, to reason by analogy, from similar terms and phrases in the New Testament, as they allude to literal ones in the Old, and are applied to the divine accomplishments; that so I may come to that knowledge of the Bible which is *spiritual*, and not take it according to its *literal* import, for in that sense it is a law of *carnal ordinance* and *carnal commandments* only, (Heb. vii. 16. and ix. 10.) When I have finished this process, and find *Monogamy* the language of Scripture considered as a system, I am necessarily led to this conclusion, that the asserter of the contrary doctrine is mistaken, which is highly probable—from being led away by the obscurity of a single passage in Scripture, without ever attending to, or contemplating others, that are more explicit and explanatory of it;—or else that the Scriptures are inconsistent and self-contradictory, which is impossible.

From particular Scripture passages, detaching those from the context, and that from the Scripture in general, and the *arbitrary*

Every expolition of those passages, have arisen all the errors that ever infested and plagued the Church : and as to the fathers of them, who pretend to be *reformers*, but in reality are *opposers*, of our *ecclesiastical establishment*, they appear to be much in the same predicament as the pretended reformers of our civil establishment :—when I contemplate the features of both, I discover a striking likeness and malignity, which I would most certainly proceed to describe, was it not foreign to my present undertaking.

THE laws of all well-regulated states have prohibited polygamy, which proves, at least, that it is a *civil inconvenience* ; and indeed the general suffrage of the wiser and better part of mankind has done the same ; nor was it practised in the first and purest ages of the world, which seems to intimate that it is contrary to Nature and Common-sense ; and I doubt not but this will appear incontrovertibly true, when those things are considered more at large.

If what I have thus cursorily observed has any verisimilitude, polygamy may be properly said to be a *moral offence*, and a *civil inconvenience*:—this appears to me, from an impartial view of things, to be matter of fact; but I desire the reader to consider it only as an unsupported assertion, till he has perused the following sheets—after which he will know how to dispose of it—I mean whether to admit, or reject it—without any previous directions.

FROM the active part I have taken in this business, I am conscious I have sacrificed, in some measure, my ease, quiet, and, perhaps, reputation, to the *ill-natured* invectives of *prejudice*, and the thundering condemnation of *an imperious temper*;—as the first characters in the Church have been wantonly abused, merely because they thought differently from a certain individual on a certain subject; the humblest of her sons cannot expect better treatment;—indeed, ere long, he expects from a certain quarter the accusation of folly, ignorance, and

and partiality ; but from the candid world he hopes better things ;—and will proceed, undismayed by any consequences, in defence of the Truth.

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C H A P T E R.

POLYGAMY AN OFFENCE against the DIVINE LAW.

I HAVE already said that *Polygamy* is a *moral offence*, and a *civil inconvenience*, which I now proceed to prove; and should it be proved satisfactorily to rational and unprejudiced men, it will justify all opposition. Considered as a *moral offence*, it appears to me not only so with respect to the *law of God*, but also in the same predicament with respect to *Nature*, *Reason*, and *Common-sense*.

BUT, in the first place, let us hear *divine testimony*, which only can be decisive, and give any authority to that of man: for if a plurality of *wives* cannot be proved by Scripture-precepts to be in any case necessary, expedient, or a duty, then all human reasoning cannot make it so; but should it be
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in any case a duty, expedient, or necessary, then, while that duty, and the same expediency and necessity exist in society, the opposition of human systems cannot abrogate the divine law:—for “ whatsoever is not read therein, nor may be proved thereby, is not required of any man, that it should be believed as an article of the faith,”—(Art. vi. of the Church of England) and *vice versa*. Divesting ourselves of all prejudice, let us candidly enquire, on the footing of the *divine law*, whether polygamy is an admissible practice or not? If we leave for future discussion the example of the first characters under the *Patriarchal* and *Mosaic* dispensations, this grand question will be more simple, and more easily answered.

THE first precept that occurs in the Bible, with respect to the *union* of the *sexes*, is of that closeness, that it militates against the idea of more than two; and this is the language of the precept alluded to:—“ They shall be one flesh,” (Gen. ch. ii. 24.) or rather, *they two*; that is, the man and his wife shall be one flesh, according to the Samaritan

of the world. Similar language

Samaritan Hebrew Bible; which our Saviour seems to refer to, Matt. xix. 5. This plainly indicates the Deity's intention, that mankind should be propagated by *monogamy*. The union of the first pair shews this; but the precept *they two*, or the *two only*—for I can perceive no difference between these expressions—*shall be one flesh*, makes the matter of *monogamy* being the law of God from the beginning, past a doubt:—indeed, this *oneness* cannot exist in any other way. If we contemplate this matter as Gen. ii. directs, it will evidently appear, that a man engaged by the *matrimonial bond*, shall immediately quit all other connections, nay, parental endearments: “therefore (that is in “consequence of marriage) shall a man leave “his father and mother;”—his affection shall be undivided, for parental is supposed to be the greatest, therefore particularized here, and shall be *intimately conjoined, cleave* (*agglutinus erit*) *to his wife*, in entire and inseparable love, and though distinct beings according to the rigid rules of arithmetic, yet, thus connected by inseparability of persons and affections, they are to all those purposes

poses and intents *one flesh*. The Hebrew Doctors infer from hence the sin of bestiality ; and hence also, it seems, they draw arguments against incestuous marriages. But Bishop Patrick says, “ their observation is more
 “ pertinent who take notice, that God cre-
 “ ating and joining but one man and one
 “ woman in the beginning, intended man-
 “ kind should be so propagated, and not by
 “ polygamy ; which, in process of time, be-
 “ came the general practice ; but from the
 “ beginning it was not so, as our Saviour
 “ speaks in the case of divorces, which, he
 “ concludes from these very words, were
 “ against the divine institution, which
 “ made *two to be one flesh* ; (Matt. ch. xix.
 “ ver. 5, 6, 8.) so he interprets these words,
 “ and St. Paul does the same, (1 Cor. vi.
 “ 16.) *they shall be one flesh* ; and so doth
 “ Jonathan’s paraphrase, and the Samaritan
 “ Code.” Com. vol. I. p. 15. edit. 3.

WHEN we contemplate the *original marriage-institution*, and particularly the inseparability of the persons and affections of *the two*, which, if not fully expressed, is
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certainly evidently implied in the command, *they, i. e., the two, shall be one flesh*, we cannot but consider *carnal commerce* with another, by either of the parties, criminal; because a direct violation of the otherwise indissoluble marriage-bond. That this union ought to be between *two only*, is evident from the case of Adam and Eve. It is certain that God gave a precept about the nature of the conjunction of the sexes, and it is equally certain that he gave an example of this precept in the marriage of the first man. If this proves any thing, it certainly proves the unlawfulness of polygamy in the then state of things. The precept and the example must speak one language; but to say that they are contradictory, is blasphemy against the divine attribute of unchangeableness. From all which it appears, that, in the first institution of marriage, *monogamy* was solemnly passed into a law, as well as the *indissolubility* of the *marriage-bond*, by the Deity himself, except in such cases as evidently dissolve it, as adultery and death. Let us cursorily consider the practice of polygamy, and see whether or no it exhibits a

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conformity to the present-received marriage-institution. This directly violates the primary command, *they shall be one flesh*; for conjugal affection is divided; if it exists at all for more than one wife:—love is not inseparable, nor the *persons of the two*; for the singular union so necessary to be attended to, if we are willing to obey the divine command, as to the *oneness* of it, is violated, and undivided man is divided into as many parts as he has wives, that he may be one flesh with each: but this is an absurdity and so are all the apologies made for the purpose of reconciling it.

I wish now to remind the reader that the primary command, *they shall be one flesh*, or, in other words, *two only*, as was exemplified in the marriage of Adam and Eve, is to be our grand directory in all the subsequent schemes that we contemplate, whether *Patriarchal, Mosaic, or Christian*. This was from the first birth of time, and shall be to its latest period the *law of marriage*. If it be admitted that the law given to Moses respecting matrimony, and committed by him

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to writing, as a modern would express himself, is the same, or, in other words, not contradictory to what was revealed to Adam : then *monogamy* was the law of the Israelites ; and if we do not lose sight of this idea, it may assist us very materially in our examination of systems, and their particular institutions. But should it be contended with plausibility, or even proved, that for some *urgent necessity*, or *peculiar expediency*, the law from the beginning had been dispensed with by Moses, respecting marriage ; yet still this could have no weight with Christians ; because our Saviour, when speaking of the nature and mode of the matrimonial union, refers not to Moses, but to the first command, and so does St. Paul ; which shows that it was to regulate the practice of Christians ; and also that it is of lasting obligation, and for the good of society. For my own part, I could close my evidence here, and join issue ; but lest some should absurdly imagine that the unchangeable God has changed his mind in this matter, so essential in its first form to the happiness
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of mankind, I will proceed to shew the *harmony of Scripture* throughout.

IF we may judge from what is recorded, and are not wise *above what is written*, the law of marriage continued the same for above sixteen hundred years—in other words, to the deluge. But it may be asked, did not God make some alteration, when he renewed the covenant with Noah, the then seed of mankind, a new root of human nature—the father of the postdiluvian world—especially as things had undergone a revolution? By no means! But as Noah was in some measure a second Adam, God confers the same benediction upon him, as had been before conferred on the father of the antediluvian world, (Gen. ix.) This, in intention, was an assurance of his favour and protection:—he also renews the command, “be fruitful and multiply;” but this was to be carried into execution by the mode of God’s own appointment; that is, (though no particular way is here recited) subordinate to the *primary command*, of which Adam and Eve, with respect to marriage, are a standing example:—

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ample:—as to contrary examples, and their motives, they will be considered in their proper place.

God revealed nothing to the *Patriarchs*, as his will, contrary to this;—indeed, it would be absurd, or, perhaps, something worse, to suppose he did. But an opponent may rise up and say, Did not the Deity give a sanction to the practice of polygamy in the case of Sarah and the king of Gerar? It by no means strikes me that any such conclusion can be deduced: but let the matter be more particularly considered. Abimelech was a name common to the kings of Palestine, as the name Pharaoh was at Egypt, and the Cæsars at Rome; so we cannot come to any certainty in regard to which king it was;—indeed, that is not material, nor his name, to the point in question; for it will suffice to know, that a king of Palestine took Sarah to cohabit with him in the way of a wife. For this he is reproved by the Deity in a dream—a manner of the manifestation of his will, as sometimes made to heathens, for avoiding great enormities; but, as Maimonides

nides * observes, different from that made to the prophets; to which I will add, by way of explanation, inferior to it. This militates against the idea of his being such a very good man as some would insinuate. The Deity's reproof respects not the situation of the king, but Sarah, as the assigned reason evidently shews; which is a proof of the unlawfulness of polygamy on the side of the woman:—"She is a man's wife," Gen. ch. xx. 3.—or, according to the marginal reading, *married to a husband*; therefore the unalienable property of that husband, consequently it was a crime for any man whatsoever, whether married or unmarried, to take her in the capacity of a wife:—by a crime I mean a violation of *God's law from the beginning*. But those who want, for certain purposes, to make this transaction give evidence to what it does not, say, Certainly God gives testimony to the integrity of Abimelech in taking another wife, when he had several before. This conclusion is founded upon wrong premises; for there is not, in the whole history, a single syllable

* Referred to in Patrick's Comment. vol. I. p. 31.

that has the least appearance of a justification of polygamy. But if the king was polygamous, it may be asked why he was not reprov'd for that in particular? It may be likewise asked, why all the heathen enormities were not reprov'd by the *Deity immediately*? But to return to the matter directly under consideration. The king is reprov'd for taking another man's wife, he pleads his integrity in that circumstance, because he did not know it, the Deity admits the truth of his excuse; which proves neither more nor less than this :—it is disagreeable to God that a man should possess and enjoy the wife of another, and that the king was not so abandoned as to have done it. But to set his whole conduct in a clear light, we must consider that he was a heathen king reigning at Gerar, the then metropolis of Palestine, a country where polygamy was sanctioned by custom, if not by law, and which, according to Abraham's supposition, *only* was wanting the fear of God, (verse 11.)—such a sense of religion as restrains men from all kinds of wickedness, and lewdness in particular. In this degree of knowledge of the turpitude

turpitude of vices, we may suppose him guilty of many, without any consciousness of that guilt. Then the Deity cannot be supposed to approve his whole conduct, when he said, “ I know thou didst this in the integrity of thy heart,” (ver. 6.) but only intimating, that his intention was not to defile another man’s wife by a licentious and temporary union. Thus far the king’s intention is approved, but no farther ;—then to extend it farther, is what Scripture does not warrant. As to the innocency of his hands, as I have before observed, in reference to the case I have stated, it implies no more than that he did not take Sarah by violence ; indeed, there was no necessity to use force, for Abraham being in a situation of life totally unprovided to oppose the inclinations of a king of Palestine, shewed no unwillingness in this affair. From this history then no proof can be brought of the Deity’s approbation of polygamy. But admitting this, probably the dispensation of Moses is convincing to the contrary :—let us then hear the evidence that is brought from that quarter for its proof, and impartially consider its

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weight in conformity to the true import of the law.

BEFORE I proceed, I will beg leave to remind my reader, that we should contemplate the law of Moses as now obligatory only in the spirit of it—in other words, in a form divested of every thing *local* or *temporary*. The first law in the Mosaic code, that can be the object of our attention, is, “ If a
“ man entice a maid that is not betrothed,
“ and lie with her, he shall surely endow
“ her to be his wife. If her father utterly
“ refuse to give her unto him, he shall pay
“ money according to the dowry of virgins,”
Exod. xxii, 16, 17. This, “ a man,” we are told by an advocate for polygamy, according to the Hebrew, which is an indefinite term, as is asserted, should be “ any man;” but not to disturb him in his fruitless disputations with himself about the genius of the Hebrew language, I will consider the whole passage in its true, consistent, scriptural, and rational import.

THIS law is erroneously thought to be the same with Deut. xxii. 28, 29,—the crimes
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are not the same, neither are the punishments, as will appear when both are considered. In regard to the first, which provides against *defilement by consent*, it enacts, that “ if a man entice a maid, that is not betrothed ;” for if betrothed, she was considered as married in contemplation of law ;—indeed, betrothing, or, as a modern would say, *espousals*, among the Jews, were *ipsum matrimonium*, whether *de præsenti*, or *de futuro*; and therefore criminal conversation with a maid of this description, was punished with death : but if she was not betrothed, and the affair happened in the city, the man was considered as a seducer only ; because it was supposed that if there had been force, her voice might have been heard in the city. I say, this was only considered as seduction, except witnesses proved the contrary. But if this happened in the fields—I mean taking possession of a woman’s person—it was always presumed to be a rape, through a favourable interpretation on the woman’s side. This law, which was certainly designed as a security to women against the treachery of men, enacts, that the seducer of a maid not betrothed,

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“ shall

“ shall surely endow her to be his wife.”—

This does not contain a general obligation to marry; but marriage was certainly best, where there was no legal inability, such as being married before. Maimonides, and other Hebrew Doctors, as Bishop Patrick informs us, (who cannot be prejudiced in their interpretation of this Scripture, as it is not matter of controversy between them and Christians, and are therefore the best interpreters of their own law in this case) contend, that it does not contain a command that he shall marry her, but only that he should make satisfaction for taking away her virginity, which was by paying so much in the nature of a dowry, as would render her fit to be his wife; if all parties were agreed. But if either the man, maid, or her father, refused, (for they had all a power of refusal, and consequently could hinder the marriage, as the Hebrew Doctors inform us) then the seducer paid this mulct as the dowry of a virgin to her father. See Patrick's Comment, vol. I. page 282, edit. 3. and Selden's Uxor Heb. lib. i. cap. 16.

BUT

BUT to assert that seduction compels marriage in all cases, is contrary to the express words of the law itself: for, “ if her father “ utterly refuse to give her unto him,” though the man and woman may consent to the marriage, “ he (the seducer) shall only “ pay money according to the dowry of virgins;” that is, shall not marry the seduced woman without her father’s consent, but shall pay money, probably as much as was equal to her station—*τὴν τιμὴν τῆς ὑδρευς*—a satisfaction for her reproach, as Josephus very justly expresses it, Lib. iv. Archæol. c. 8. But whether the stated legal sum to be paid to this dishonoured woman, let her station in life be what it would, was fifty pieces of silver money, as the generality of writers assert, on the authority of Deut. xxii. 29. may admit of some doubt;—indeed, I cannot assent to it, because the crimes were not the same. Most probably, in this case, it was only a sum equal to that dowry of virgins which her station in life might require; but as this is useless speculation, I shall quit it, to return to the father’s refusal, and its consequences. The consequence of
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the father's refusal was, that the marriage could not be celebrated; but to say that it must, is not only contrary to the plain language of the Bible, but inconsistent with that parental authority, which was supported and held sacred among the Jews. Here is an exception to the universality of marriage, in cases of seduction, on the authority of *Exod. xxii. 16, 17.*—whence it appears, that seduction among the Jews did not always necessitate marriage: And if also, the man had his refusal, upon paying the penalty of the law, which was the case, according to the best authorities, this undoubtedly was the punishment of a married man:—a conclusion necessarily suggested, when we recollect the substance of the *primary command* relative to marriage.

WHEN I consider attentively these things, and, I call God to witness, I do impartially revolve them, and all objections to them, seriously in my mind, I cannot be angry with those men who say that it is best only for the single man to marry the damsel that he seduces, but that the married man must be
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consigned to a *pecuniary* punishment: It may be said, that a married man offending in this way, was an adulterer, and ought to be punished with death. The candid Authors of Antient Universal History explain this matter fully and satisfactorily, as far as the Jews were concerned. "Adultery was punishable with death in both parties, whether they were both married, or only the woman; but we cannot affirm the punishment of a married man to have been the same, who committed adultery with an unmarried woman; for, besides that the crime was not alike, with respect to society," to which I will add the Israelitish in particular, "it is plain that Moses was *forced to indulge* them in some other particulars, as *unjustifiable* as this, such as *polygamy*." — Vol. III. b. i. c. 7. 8vo.

BUT it may be said, if the seducer had no property, the law would be a mere nullity, because he could not be punished in a pecuniary way. If he had not wherewith to make satisfaction, according to the law, he might enter into a state of servitude, as Jacob

cob did, instead of paying a dowry to the father of his wife Rachel; or, as in cases of thefts, he might be sold for the benefit of the person injured, I do not say that this ever was the case; but the law seems to have provided such a remedy for the recovery of fines in general, where property was wanting; and if it was legal in one case, it must be so in all recoveries of that kind;—so, “if he have nothing, then he shall be sold*.”—Exod. xxii. 3.

FROM all which it appears, that the said law does not enjoin the married man to marry the woman he seduces; and if so, then it does not make in that, or any other case, polygamy a duty. As well might the necessity of marriage be inferred from Lev. ch. xix. 20, which enacts, that “whosoever lieth *carnally* with a woman that is a bondmaid betrothed to an husband, and not at

* When, among the Jews, individuals were sold, it was most generally to a sojourner or stranger in their land; and in that case, the person sold, if able, might redeem himself, or his kindred might, upon certain conditions;—in the year of Jubilee he had his freedom of course. See Lev. xxv. 47—54.

“all

“ all redeemed, or freedom given her, she
 “ shall be scourged; they shall not be put
 “ to death, because she was not free. And
 “ he shall bring his trespasss-offering, &c.
 “ and the sin which he hath done shall be
 “ forgiven him.” The Jews, it seems, took
 Gentile servants, who, if they were willing
 to embrace their religion, were, upon cer-
 tain conditions, admitted to the Jewish pri-
 vileges, whether civil or religious; but they
 continued in a state of servitude, if they
 could not pay the redemption price, other-
 wise they had their full liberty, if they paid
 it in full. Some, indeed, were in a middle
 state—partly free and partly servile; because
 part of the redemption-price was paid, and
 part unpaid;—and this was the situation of
 the betrothed bond-maid above-mentioned:
 but, because she had not the full privileges
 of a Jewish citizen, the debauching her,
 though espoused, was not punished by death,
 as in other cases of adultery—for adultery
 it must be—but only by scourging. Many
 reasons may be assigned for this, and it affords
 matter for a variety of arguments: but as it
 is a digression from the main subject, I shall
 content

content myself with making the history of the situation of heathen bond-maids among the Israelites, with respect to marriage, more compleat, by observing, that no Israelite could espouse a perfect slave ; but one that was partly free he might, though he could not marry her till she had her full liberty.

It may not be improper here to take notice of an injunction to the Israelites, coming immediately from God to Moses, of the prohibitory kind : “ After the doings of the
 “ land of Egypt wherein ye dwelt, shall ye
 “ not do : and after the doings of the land
 “ of Canaan whither I bring you, shall ye
 “ not do : neither shall ye walk in their
 “ ordinances.”—Lev. xviii. 3. These were such as related chiefly to marriages that were incestuous and adulterous, as is evident from what follows in the same chapter, where incestuous marriages are particularized and prohibited, and in verse 18 there is an express and general prohibition of polygamy : not only because it was the practice of the Egyptians where the Israelites had been, and of the Canaanites where they were going to settle,

settle, but because it was evil in itself, being necessarily productive of jealousies and quarrels in families. Both these reasons appear in Scripture against it, and particularly in the eighteenth chapter of Leviticus.—

From its being a heathen practice, it was likely to lead to other heathen enormities :— and therefore might well be prohibited on this account only :—as to the other reason, exciting disturbances in families, the most malignant in themselves and consequences, both with respect to individuals and society at large, it must still exist, and is an insuperable objection, even though it had not been prohibited by the divine law. But it is prohibited by the law of Moses ; or, to speak more properly, by the *law of God*, as recorded in the Bible, and particularly Lev. xviii.

18. The promulger of the law, after prefacing those laws that he was then going publicly to deliver, with an admonition not to follow the customs of Egypt or Canaan, but to keep the statutes of God, which, we may conclude, were *different*, proceeds to say that none of them should be guilty of violating them, on pain of expulsion from the
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the promised land.—Heb. *שׂן שׂן*—*man*, *man*—that is, no man whatsoever; and Bishop Patrick says, “ the Talmudists take it
 “ as if he had said, neither Jew nor Gentile;
 “ for all mankind, they say, are compre-
 “ hended under those laws about incest.
 “ Nay, the very Karaites (or those who ad-
 “ here only to the Scripture, and reject all
 “ Talmudical expositions) are of this mind,
 “ as Mr. Selden observes, de Ux. Heb.
 “ lib. i. cap. 5.”* And I cannot but be
 of this opinion myself; because they are
 not *local* or *temporary*, but evidently calcu-
 lated for the good of society, and as univer-
 sally binding as those moral precepts in the
 next chapter, from verse 11 to verse 19.—
 and our legislators have justly thought so,
 and have shewn their respect to the law of
 God, which should be the foundation of all
 municipal laws, by making them the law of
 the land. But to proceed immediately to
 Lev. xviii. 18, as more directly connected
 with my subject:—it is there decreed,
 “ neither shalt thou take a wife to her sister;”
 or rather, according to the marginal trans-

* Comment. vol. I. page 465.

lation,

lation, "one wife to another." To say nothing of marginal words, which sometimes give a sense different from those in the text, and I may add, in general a much better sense, in saying which I think myself justified by a most learned work, wherein is ascertained the authority of the Keri—words in the margin different from those in the text—a work that deserves well of the learned world and mankind, and will be a lasting monument of the learning and application of its author.—I say, not to mention the value of marginal words, Exod. xxvi. 3. where Moses is ordered that the curtains of the Tabernacle should be coupled *mulier ad sororem*, (Buxtorf's Heb. Lex.) which implies *one to another*, as we translate it, seems to justify the marginal translation of Lev. ch. xviii. 18. And the Karaites interpret this place—"that a man, having a wife, "should not take another while she lived;" to which opinion I most sincerely subscribe. Then, if this is the true sense—and it will bear no other consistently—it contains an express prohibition of polygamy. Bishop Patrick, I know, thinks otherwise;—but

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though in most cases I am willing to be directed by so learned and judicious a commentator, yet I can by no means subscribe to his opinion on this matter; because the reasons he assigns are unsatisfactory; and, besides, this law is separate and distinct from those about incestuous marriages.

IN opposition to polygamy being prohibited by Lev. xviii. 18. it is asserted—"for as more wives than one were indulged before the law, so they were after." I deny not the indulgence of a plurality of wives, but I contend, that there is a very material difference between indulgence, or connivance, and the solemn sanction of law:—it is for want of discriminating between these, that has led commentators, both ancient and modern, into great errors. In the same method of not distinguishing practices from precepts, a future writer, commenting on the English history, might assert, that keeping a mistress, because connived at,—in other words, not punished—was agreeable to the laws of England. But who does not see how wrong such conclusions, in general, are?

But

But it is said, " Moses himself supposes as
 " much, when he provides a man should
 " not prefer a child he had by a beloved
 " wife, before one by her whom he hated,
 " if he was the eldest son ; which plainly
 " intimates an allowance in his law of more
 " wives than one." But this I deny, because
 the thing might very well be understood of
 wives in succession ; and as this is most con-
 sistent with Scripture in general, I therefore
 adopt this sense, and prefer it. And as to
 the example of the Jewish kings, even the
 best of them, it can have no weight in all
 instances, except such example were sinless :
 but no such among them can be produced.
 The kings of Israel were forbid to " multi-
 " ply wives," Deut. xvii. 17. I ask whe-
 ther David and Solomon did not offend
 against this precept ?

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IN Leviticus xviii. the degrees of consan-
 guinity and affinity, within which marriage
 is prohibited, are recorded from verse 6 to
 verse 17 inclusive :—these were some of the
 abominations of Egypt and Canaan in par-
 ticular, which it was necessary to provide

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against by positive law. But, at the 18th verse, Moses proceeds to prohibit abominations of a different kind, which had been productive of confusion, and defiled the land, for which its inhabitants were expelled, and if they gave into the same crimes, they (the Jews) are given to understand it would be productive of the same consequences,—verse 28. Moses, having uniformly said, in the first part of the chapter which relates to consanguinity and affinity, “thou shalt not uncover the nakedness” of such as he describes—the modest language of the Bible for carnal knowledge, which it would be wrong to suppose was meant in any other way than that of marriage—changes his language at the eighteenth verse, where he proceeds to prevent, by positive precepts, other heathen customs—such as letting their children pass through the fire to Molech, prophaning the name of God—sodomy and bestiality—at the head of which, with some others, stands the *direct* prohibition of polygamy. But it may be said to me, where is the marriage of a wife’s sister prohibited as incestuous? To which I reply, it is prohibited

hibited by consequence and analogy at verse 16 ; and that ought to be looked upon as sufficient :—for “ this in the Levitical degrees is to be observed, that all the degrees by name are not expressly set down ; for the Holy Ghost there did only declare plainly and clearly such degrees, from whence the rest might evidently be deduced. As for example, where it is prohibited that the son shall not marry his mother, it followeth also, that the daughter shall not marry her father. And by enjoining that a woman shall not marry her father’s brother : the like reason requireth that she shall not marry her mother’s brother.” And it is further alledged, “ from a parity of reason (which is also acknowledged and laid down by the books of common law) rests the prohibition against marrying a wife’s sister ; which is well expressed by Bishop Jewel, in his printed letter upon that point :—“ Albeit (says he) I be not forbidden, by plain words, to marry my wife’s sister ; yet I am forbidden so to do by other words, which by exposition are plain enough : for when God commands me that I should not marry my brother’s wife, it

follows directly by the same, that he forbids me to marry my wife's sister: for between one man and two sisters, and one woman and two brothers, is like analogy or proportion; "in other words, the same degree of proximity:—therefore marriages, in both these cases, are prohibited by the law of God, and so they are by the laws of England.—25 Hen. VIII. cap. xxii. sect. 3. expressly prohibits marrying a wife's sister; and I do not recollect that this is repealed by any subsequent statute; but this properly belongs to the determination of professional men:—even if it should be said to be repealed, the substance of it is incorporated into other statutes, so that will not alter the matter.

THE wording of the eighteenth verse, evidently refers to something more than the prohibition of a man's marrying his wife's sister. The word *vex*, in particular, must refer entirely to jealousies and contentions in the family—the immediate consequence of polygamous contracts; and the addition of

* Burn's Eccl. Law Tit. Marriage:

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“ in her life-time,” evidently shews that it was directly levelled against these :—indeed, it must, or else we shall be at a loss to discover the object of it. But to say that it only prohibited a man from marrying his wife’s sister while that wife lived, but that after her death such marriage was lawful—^{It is} is to get rid of a difficulty, at the expence ^{of} of an absurdity, and a contradiction too : for the reason to prevent the marriage—*affinity*—must still exist ; and the Karaites, ^{as} in opposition to the Talmudists, thought it ^{quite} absolutely unlawful for a man to marry the ^{with} sister of a former deceased wife. See Sel- ^{de} den’s Ux. Heb. lib. i. cap. 4. And I may ^{best} adduce another great authority in proof of ^{Talmud} the same :—“ It is directly against the scope ^{and} of all those laws, which prohibit men to ^{much} marry at all with such persons as are here ^{the} mentioned, either in their wives life-time, or after. And there being a prohibition, verse 16, to marry a brother’s wife, it is unreasonable to think Moses gave them leave to marry their wives sisters.”—Patrick’s Comment. vol. I. p. 469. edit. 3.

FROM all which I may safely conclude, without recapitulating the arguments adduced, that there is a scriptural impediment to marrying two sisters, either in succession or otherwise; and that there is a scriptural disability to the contract itself; therefore such marriages seem to be void *ab initio*, and ought to be annulled. I also conclude, that Lev. xviii. 18. does not respect this matter, but something else;—it does prohibit something, and that can be nothing else but polygamy; and this prohibition is not partial; that is, confined to the case of two sisters only, but extended to all cases; for the ground of the prohibition, jealousies and contentions in a family, suggests this idea: and these reasons against a plurality of wives at once, must in all cases exist, and therefore must be a general bar to it. But to suppose it forbidden in the case of two sisters only, as some have done, merely because they do not know how to reconcile the contrary with practice, and are therefore reduced to the necessity of supposing that sisters are more likely to quarrel than other women, is as absurd as it is ignorant. The reasons assigned

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assigned are evidently of a general nature; and so is the prohibition founded on them. Here then is a plain law forbidding polygamy—a law calculated for the good of society, and universally obligatory, as is evident from what I have before observed—a law which cannot be got rid of but by a manifest corruption of the text—a law which has its foundation in the nature and reason of things, and consequently its obligation must still be the same, even though sovereign necessity should cause a temporary exemption.

BUT notwithstanding the general precept that I have just mentioned, which with others to the same purpose in the Bible, are either overlooked, or explained away by prejudice, the polygamist thinks he has full justification in that regulation of Moses, which was made to prevent the deprivation of the first-born of his birth-right, if a man should happen to have, during his life, two wives, the one beloved, and the other less beloved, and children by both. The supposed case, and the law founded upon it, as recorded by
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the Jewish legislator himself, is as follows :

“ If a man have two wives, one beloved
 “ and another hated, and they have born
 “ him children, both the beloved and the
 “ hated,”—towards whom, it is most probable, he would be very differently affected, as he was towards their mothers ; therefore, to prevent favour and affection prevailing over right, it is enacted, that, “ if the first-born
 “ son be her’s that was hated, then it shall
 “ be, when he maketh his sons to inherit
 “ that which he hath, that he may not make
 “ the son of the beloved first-born, before
 “ the son of the hated, which is indeed the
 “ first-born : but he shall acknowledge the
 “ son of the hated for the first-born, by
 “ giving him a double portion of all that
 “ he hath ; for he is the beginning of his
 “ strength, the right of the first-born is his.”

Deut. xxi. 15, 16, 17.—I have quoted the whole according to our translation, that this law may be contemplated in itself and its objects. This law supposes a man to have two wives, which he might have in succession, for the divine law no where forbids it : but two at the same time was inconsistent
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with the primary command respecting marriage, as well as other precepts of the Bible; and Moses never asserted his right; or, to speak more properly, never said he had orders from the Deity for the particular good of his colony, which he settled in Palestine, to suspend the law of monogamy; and that he did not, with respect to mankind in general, is evident from what has been before observed; therefore the most rational conclusion is, that the law which enjoined, that the two only should be matrimonially connected, continued still in force; and therefore, consistently, we must interpret the above of two wives in succession, which will not alter the state of the case, nor the regulation founded on the supposition. If a man have two wives successively, and the one is beloved and the other less beloved—and, as may be rationally concluded, the issue too—for if that was not the case, the reason of the law would cease—a man is here forbid the unjustifiable partiality of depriving the first-born of his right of inheritance—a right, in justice, inseparable from the son of the hated woman, if she is the first wife. “ The right of the
“ first-

“ first-born is his,” and it ought to be acknowledged by giving him that *double portion* of property which the law required. But what has this to do with polygamy?—I mean, how can this supposed case, and the law for its regulation, be brought in proof of the lawfulness of polygamy, when both are applicable to monogamy?—allowing second marriages, there is nothing impracticable, absurd, or impossible. If it is but even equally applicable to wives in succession and their sons, as it is to wives at the same time, and their sons, it would be very wrong to conclude in favour of the latter, when the former may as well be supposed; and especially too when such a conclusion is repugnant to the united testimony of the Scriptures. That several commentators have been so inconsistent as to do this, cannot be denied—unwilling to think for themselves, they have followed one another like sheep in the same track—a conduct highly reprehensible, as tending to discourage all advancement of learning and improvement.

I WILL

I WILL observe here, though contrary to my design, that this right of the first-born was a very antient custom, antecedent to the law of Moses, which was declaratory of it, and for removing some abuses. This custom, prior to Moses—indeed, in the most remote ages of antiquity—made the first-born the head of the family, and gave him as much more as any of his brethren of the estate belonging to it, that he might be able to support the dignity of his family. As this antient custom received—not for provincial reasons, but the benefit of mankind—the sanction of the law given by God to Moses, certainly then it is rational and just:—and on this is founded our municipal law, which gives the inheritance of the father to his *first-born son*, and for the very same purpose too. Then, whoever says that this law is unjust or cruel, are guilty of folly—or rather, perhaps, blasphemy against the divine wisdom.

BUT to return to the immediate subject of debate. The next Scripture-passage that can fall under our consideration, as seeming to

to favour polygamy, is Deut. xxii. 28, 29.
 “ If a man finds a damsel that is a virgin,
 “ which is not betrothed, and lay hold on
 “ her, and lie with her,”—that is, commit
 a rape upon her—“ and they be found,”—
 the rape proved—“ then the man that [thus]
 “ lay with her, shall give unto the damsel’s
 “ father,”—as a mulct—“ fifty pieces of
 “ silver money, and she shall be his wife.”
 This is very different from the case in Exod.
 xxii. 16, 17 ;—so, of course, is the punish-
 ment. The difference is, that was lying
 with a single woman with her consent, gained
 by enticing words—fair promises ;—but this
 in Deuteronomy, a rape. Now let the dif-
 ference of punishment be considered :—Ac-
 cording to the law in Exodus, the single man
 was not obliged to marry in all cases, though
 marriage was best in general ; but in some
 cases was only obliged to pay money to the
 injured damsel, equal to the dowry suitable to
 her rank, for her support and maintenance.
 But the other (Deut. xxii. 28, 29.) obliged
 the single man, as is probable, to marry the
 injured damsel, if a virgin, though both she
 and her father had the privilege of refusal,
 which

which being matter of fact, serves to prove that the marriage, at all events, was not compellable;—and it will lead to another conclusion equally evident, that taking possession of a woman's person is not *ipso facto* marriage;—which many other cases also fully shew.

EVEN if marriage was the consequence of this forcible connection, the man was obliged to pay her father *fifty shekels*, or, *fifty pieces of silver money*—a settled sum, as a fine for the crime. It is likewise most probable that he was not obliged to pay the dowry, because he was deprived of the liberty of divorce:—“Because he hath humbled her, he may not put her away all his days,” even though there were these reasons for divorce which the law of Moses allowed, yet he was deprived of the benefit. The settlement of dower looked forward to separation, and was, as it still continues to be, a provision for the woman in that state. And if we were to contemplate the facility of divorces among the Jews, and their consequences, we should easily discover the necessity of always pre-

presuming a separation, and providing for it accordingly. But supposing that marriage did not follow the rape, which sometimes must be the case, as there was a liberty of refusal; then, besides the dowry settled upon the damsel, suitable to her rank in life, in conformity to the command of Exod. xxii. 16, 17. the additional fine, to use modern language, of *fifty pieces of silver money* was paid to the father; which it may well be supposed was the punishment of a married man guilty of a rape;—except it be thought that he was punished by death—which, if it could, upon good authority, be stated as matter of fact, would solve many difficulties. I am sure I cannot give it that consequence, because I have every reason to think otherwise. Certainly we need not hesitate a moment to say that, under the Christian dispensation, the crime is equal, whether the man or woman violates the marriage-obligation. But whether or not it was so under the Mosaic dispensation may admit of some doubt, when we consider the confinement of the word adultery in the Bible, which merited death, to the side of the woman;—indeed the crime might

might not be the same with respect to both, because of the great necessity for the clearness of family descents, pedigrees, and genealogies, which the wife by fortuitous connections would render quite uncertain. Now as much depended on the certainty of genealogies, especially that of our Saviour's from Abraham and David, probably the woman might be more severely punished for this reason only—for I can conceive no other:—but as this reason has ceased, which could only make a difference between the unfaithful wife and the unfaithful husband, they must now be considered as equally guilty, because equally transgressing the divine law in a dissolution of the marriage-bond. Every man, in his sober senses, that is capable of arguing from the nature and reason of things, must always (if he is not inconsistent) conclude, that the magnitude of the crime of adultery is equal in husband and wife. But it is disgraceful to reason, and characteristic of the most narrow principles, to say, that the wife, guilty of adultery, ought to be punished most severely, while the husband is left at large without any punishment at all—

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for I cannot conceive marriage to be a punishment—I repeat it, while the husband is justified in it, as well as left to revel at large ; which must be the case in the indiscriminate and unbounded practice of polygamy.

DEUTERONOMY xxv. 5, is looked upon by writers in general as antiquated ; but I will consider its principles and tendency so far as to enable me to discover, whether or no, in a particular case, it made polygamy a duty. “ If brethren dwell together, and
 “ one of them die, and have no child, the
 “ wife of the dead shall not marry without
 “ unto a stranger : her husband’s brother
 “ shall go in unto her, and take her to him
 “ to wife, and perform the duty of an husband’s brother unto her.” The reason of which follows in the next verse : “ And it
 “ shall be that the first-born”—male child, for the Samaritan copy renders it of the masculine gender—“ which she beareth, shall
 “ succeed in the name of his brother which
 “ is dead, *that his name be not put out of*
 “ *Israel.*” verse 6. This then was evidently for the preservation of families, which, with
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the disabling law of Lev. xxv. 23, for keeping inheritances in families, further provided for by the rule of lands returning to their owners at the Jubilee, verse 28, as also Numbers xxxvi. 8, 9, for the distinction of tribes, and their respective property—or, in other words, to prevent the alienation of inheritances from that particular tribe to which they belonged—were of the greatest consequence in the scheme of Providence with respect to the Messiah : for these regulations secured liberty of person, equality of fortunes, and order of families. Whence was secured Christ's being of the seed of Abraham, of the tribe of Judah, and family of David ; and also Bethlehem was preserved in the tribe of Judah and family of David ; and hence the prophecy concerning the place of our Saviour's birth was literally fulfilled. I mention these things as the very foundation of those laws, which shew that they are wholly local and temporary, evidently calculated for a *particular people*, under *particular circumstances* :—so I conclude that the obligation of Deut. xxv. 5, has ceased with the reasons of it, and all others of the like

description. It appears from Gen. xxxviii. 8, that it was a law among the patriarchs ; but it was less rigorous under the Mosaical than the Patriarchal dispensation : For with respect to the former, if the man did *not like* “ to take his brother’s wife,” (Deut. xxv. 7.) he was not compellable, and his only punishment for refusal was a slight temporary contemptuous treatment. It can hardly be supposed then that it made in this one case polygamy a duty, when any man whatsoever, in the capacity of a brother, or rather of a relation, had a power of refusal. If, like a writer on the other side of the question, I was ingeniously to turn every little circumstance to my purpose, however foreign or unapplicable, and however insignificant magnify its importance, I might make much of the circumstance of brethren dwelling together—I might say, with great plausibility, that it intimates their being of the same *family* and *house* ; but when married, they could not be in that predicament, but must be of *another family* and *another house* ; and hence I might exclude all married men from the obligation of this law.

If

If the first kinsman, whosoever he was, as well as the rest, had a power of refusal, we may very properly exclude married men; but by the exclusion of men of this description, the intention of this law was not likely to be prevented; because, on this law, any of the kindred of the deceased childless husband might marry his widow, for the purpose of preserving his name, who were considered in this case as brothers. Then, if this is matter of fact, which we must admit, except we refuse the clear evidence of the Bible, there could be no inconvenience in the exemption of married men. That having a wife already is a sufficient apology for refusal,—or, in other words, that married men were exempt from the obligation of Deut. xxv. 5,—is evident from the case of Mahlon's next kinsman and Ruth his widow, as is recorded in Ruth iv. This shews there were exceptions to the law, the universality of which has been much contended for, for certain evident reasons—though contrary to the context and this particular case. The kinsman, undoubtedly, had many reasons for his refusal, and, among the rest, his being

married already. Scripture does not warrant my saying this; but still I have very good authority for it, which I shall presently adduce. It must appear to every one, that the reason assigned in the Bible is prudential; but when we call to our recollection the *Jewish civil polity*, the assigned reason is very important indeed:—his own estate—I mean the kinsman's—from the redemption price, might have gone out of the family; an inconvenience which the law had been careful to prevent. But as polygamy, though contrary to law, was connived at, the losing an inheritance, which the law guarded against, and custom had taught them to reverence, might appear, as it certainly was in the then state of things, the greater mischief. Josephus, a faithful historian, speaking of this affair, says, that he refused and rejected the offer—*Επειδὴ οὐκ ἔχοντα υἱοὺς ἐκείνῳ καὶ οὐκ ἔχοντα γυναῖκα καὶ τέκνα*. An-

tiq. lib. ix. c. 5. sect. 4.—“Saying he had
he was “a wife and children already.” When I
wisely consider Josephus’s character, and particu-
l. add larly his fidelity and intimate knowledge of
might Jewish affairs, I am inclined to admit this
not a as a principal reason, though unnoticed in
law Scripture,
made the most known of his reasons, &c. &c.

Scripture, which we can only attribute to *the man* its usual conciseness. If we admit this, it *may* will evidently lead to another conclusion, *and the* that no man, upon any account, who had a *married* wife and children, ought, while that wife *continued* lived, to marry another. But I will say no *more* more of a law that is expired of course, its particular object being gained—a law which has now no existence but among the Indians, Persians, and some of the Tartars, who retain many of the customs, and much of the simplicity, of the antient inhabitants of the East.

FROM this scriptural enquiry, thus far prosecuted with a most earnest desire to discover *what is truth*, it appears, that the Pentateuch, those books which immediately contain the laws of Moses, has no law, express or implied, for the general benefit of mankind, or any particular necessity, or expediency, whereby polygamy is made a *lasting* lasting or temporary duty:—but on the contrary, it is plainly forbid by two laws, as has been noticed, of obligation as lasting as mankind. The asserters of the contrary

doctrine are not able to get rid of these;—they only say that some temporary institutions of Moses among the Jews, adapted to the particular genius of that people, speak a different language; and this is the whole of their opposition—a pitiful attempt to accommodate *law* to *practice*! But what they say is not true:—even if it was, what would it amount to? Simply this—Moses, for particular temporary reasons, indulged his people in the practice of polygamy;—but, “from the beginning it was not so,” as our Saviour said in the case of divorces. Indeed, there is a striking similarity between these two—I mean as to the reasons of their being offences against the law of God;—their inconveniences, as to society, are alike, and so are their violations of the *primary command* about marriage: For they alike,—I mean in the nature of the thing—destroy the *inseparability of the persons of the two*—so necessary in the matrimonial union, that our Saviour made it an argument against divorce. From this argument of the *inseparability of the persons of the two*, he concluded against divorce in all cases, except *ἐν τῇ πορνείᾳ*,—for adultery,

adultery, prostitution, or any carnal commerce with another, which evidently dissolves it. From a parity of reason, polygamous contracts must be unlawful, because they dissolve the inseparability of the persons of the two. To say that this is no argument against polygamy, is in effect to say, that it is none against divorce; and is refusing to admit the evidence of the great EMMANUEL, the fountain of all wisdom, and who sways the *righteous* sceptre of heaven. Though mortals may be mistaken, misled, or wicked enough to mislead others, certainly it is a blasphemy, unknown among Christians, to say that Christ, the *Image* of the *invisible God*, used an argument that was not founded in truth. In short, we are reduced to this alternative, either to say that Christ brought no argument, convincing and satisfactory against divorce, from the divine law; or, that the argument brought, concludes equally against polygamy, as against its immediate object—divorce,

I FLATTER myself, that, in my observations on the laws of Moses, which have come
under

under my consideration, I have represented rightly the intention of that legislator. I have considered the Scriptures—I mean the Old and New Testaments—as one regular, uniform, consistent scheme; and in consequence of my considering these as dependent systems, I have supposed them to speak a language accordingly, and was unwilling to put a language on any particular part, even though it might seem to incline that way that was contrary to the plain intelligible parts in general. To find inconsistencies in Scripture, and particularly between the Old Testament and the New Testament, is all that the enemies of Revelation want. There is a wonderful harmony, as Leslie observes in his Theological Works:—“ The Gospel
 “ is the best *comment* upon the *law*, and the
 “ *law* is the best *expositor* of the *Gospel*:—
 “ they are like a pair of indentures, they
 “ answer in every part;—their harmony is
 “ wonderful.” Vol. I. page 75. Then, as it would be wrong to reject either, so we should be particularly careful not to reject the “ pattern for the types.”

WITH

WITH respect to polygamy in particular, I find the prohibition of it a positive law, and not the law of the Bible only, but also of the New Testament; I conclude, therefore, that I have rightly interpreted those texts, that *only seemed* to favour the contrary: and I am the more inclined to be of this opinion, when I call to my recollection, that the modern Jews forbid polygamy on the authority of some passages of Scripture. But it may be said that this is the Talmud, and that is very corrupt: I admit that Scripture is in some places much obscured by Talmudical expositions—I mean where there is a very interesting reason. And with respect to the text of the Talmud, it has certainly many variations from the *vulgar text*; but in some places it still contains, in those variations, the true reading, as Dr. Kennicott has confirmed by several instances—for I assert this upon his authority. It is well known that the Talmud is a certain edition of the Bible, composed, as is generally allowed, between the years 150 and 500—text and double comment—a collection of oral traditions, which some Jews formerly held

as I conceive, in the example of the modern Jews, which is exactly agreeable to the Bible in general; not to mention a vast number of inferior authorities, as well as the particular passages themselves, which perhaps is most material to be noticed. Indeed, it is exactly conformable to these: for the modern Jews oblige a single man, if he debauches a virgin, to marry her;—but if he is a married man, he is obliged to maintain her. This is the very spirit of the recited laws in Exodus and Deuteronomy; therefore they do not, for female security, make polygamy expedient.

AFTER these incidental reflections, which I hope the reader will not consider as impertinent or useless, having gone through the Pentateuch, I will now proceed immediately to a review of the historical part of the Bible:—and the first passage that here presents itself is 2 Sam. xii. 8. which is represented as very formidable to the anti-polygamists; for it is said, that “is so conclusive
“a proof of God’s allowance of polygamy,
“that writers on the other side of the
“question

“question have not been able to get rid of it, but by a downright corruption of the text;” —which, I doubt not, will very soon appear a *downright falsity*; and, agreeable to the principles of that writer, who is incessant in his attempts to accommodate Scripture to his system.—2 Sam. xii. 8. has nothing at all to do with polygamy:—the particular words are, according to our translation, “I gave thee thy master’s house, and
 “thy master’s wives into thy bosom, and
 “gave thee the house of Israel and of Judah.” And it is said before, in the 7th verse, “I anointed thee king over Israel;” that is, called David to that dignity, not nominal, but with the investiture of all its powers and appendages;—in other words, conferred all the *rights of sovereignty*. His having his master’s house and his master’s wives given into his protection,—for that is the meaning of *bosom* here, which implies a paternal kingly care—was no more in reality than his sovereignty over them. Indeed, all things that belonged to the predecessor in the kingly office, went to the suc-

* Thelyphthora, Vol. I. page 116.

cessor;

cessor ; and the wives of a king went along with his lands and goods :—not as the same unalienable property by right of possession; but for protection and maintenance. But it does not follow that David married any of these widows of his predecessor, or that God willed it :—all that appears is, they were delivered into his possession as a *protector*, but not as a husband, by *customary right* :—they would not have been mentioned at all, but to shew that he was invested with *all the rights* of sovereignty, of which these were particulars. For here David's ingratitude seems to be reproved, in forsaking the law of God, after he had been preferred, which he had no right to expect, to the highest dignity immediately by God—*regal power* over his selected people; and therefore his obligations to obey his God were greater. This is evidently the purport of the 7th and 8th verses. David was anointed king immediately by God's command, and settled in his kingdom, by being delivered out of the hands of Saul, and then he was invested with all the rights of a king in reality, (verse 8.) When God had done this great honour to an
humble

humble shepherd, and would have conferred any other benefits, well might the prophet say, "Wherefore hast thou despised the commandment of the Lord?" If this is a just representation of 2 Sam. ch. xii. 7, 8. then there is not a word about polygamy, either good or bad—so of course it is here neither approved or condemned.

SINCE writing the above, I have looked into Patrick's Commentaries *, wherein it is asserted, on the authority of Maimonides, that, among the Jews, "no subject might have so much as the horse of a king, no more than his sceptre and crown; much less his widow, or one divorced, who was to remain a widow to the day of her death." And it is further asserted: "The wife of a king is to be married to none else; for *even the king cannot legally marry the widow of his predecessor; or one divorced by him;*"—which puts the matter out of all doubt, and refers to Selden, lib. i. de Uxore Heb. cap. 10. and Carpzovius upon Schickard's Jus Regium, page 441.

* Vol. II. page 308.

WITH respect to 2 Kings, ch. xii. 2. and 2 Chron. ch. xxiv. 3. approving the fact of Jehoida's taking two wives—if, indeed, such approbation is really implied by their united testimony—I cannot conceive any thing in proof of polygamy; because it does not appear that they were both taken at the same time;—that is, both wives to the same husband at the same time:—nor does it appear who they were taken for. The Hebrew verb נָשָׂא signifies to take for one's self a wife, as well as to take a wife for another; and is used in both these senses in the Bible. (Ezra, ch. ix. 2. and Nehem. ch. xiii. 25.) If we suppose Jehoida taking them for himself, which is the most probable opinion, and supported by the best authorities, then the first wife must be either dead or divorced; for it was contrary to the *law*—as recorded in Lev. ch. xxi. 13, 14.—for a High Priest to have more than one wife at a time. That Jehoida was the High Priest is evident:—indeed, the many circumstances related of him, plainly speak him of that order, such as his conduct and management of things relating to the Temple, and particularly his anoint-

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ing the king. As he was an exemplary promoter of the honour of God, and a reformer of religion in Judah, I cannot even suppose that he violated the law by being polygamous. But if it be contended that *him* is the relative to *Jeboasb*, the king, because the chief subject of the history,—yet it does not appear that those wives were brought to him both at a time. The Scripture is silent as to the circumstances of time and place with respect to taking those wives:—to say then that they were both wives to the king at the same time, is not only unjustifiable, but abusing the silence and conciseness of the Bible. In “all those days wherein Je-
 “hoida the priest instructed the king,” he might very easily have two successive wives; and Scripture does not warrant us to speak,
 or suppose, any thing else. That those wives
 were in *succession* is *scriptural* and *natural* to suppose; and I am the more inclined to be of this opinion, when I find the Bible giving testimony to the rectitude of the conduct of the king, while that conduct was directed by the immediate instruction of the High Priest. I cannot conceive the Bible approving

ing any thing that was a violation of the law :—now as *polygamy was a violation of the law*—ergo, I conclude it is not approved here. To say nothing of Lev. ch. xviii. 18. God in the beginning gave a solemn sanction to *monogamy*, and shewed his approbation of that conjunction of the sexes only ; therefore the contrary is not *matrimonial*, but *meretricious* ;—but to say, from the testimony of 2 Chron. xxiv. 3. that God there disapproves what he once solemnly approved by his own solemn act—or that he has changed his mind upon the subject—or that the nature of good and evil are changed,—are assertions that deserve a severer name than mistakes.

PROCEEDING to look further into the historical part of the Bible, we find nothing immediately for our purpose, nor in the doctrinal or prophetic revelations of the divine will, till we come to Malachi, except general dissaufives from uncleanness and abuse of the marriage-ordinance ; which our ingenious opponents, I doubt not, are prepared to confine to some particular case ; and if

any thing was hinted to be implied, it would be disgraced with the appellation of an *ignorant comment*, notwithstanding their own practice and dexterity of forming doctrines by implication and construction :—a liberty which they seem inclined to deprive us of. But to return to Malachi :—We are told that he was the last of the twelve lesser prophets, who prophesied only three hundred years before Christ, and who severely reproved the people for their gross violations of the law, as also the priests, for a shameful and scandalous neglect of their duty. The priests, who *should keep knowledge*, and from whom the people should learn the law, they being “ the messengers of the Lord of hosts,”—chap. ii. 7.—had “ departed out of the way” themselves—had “ caused many to stumble “ at the law,” (verse 8.)—and, besides other things, they had been “ *partial* in the law,” verse 9. And hence, probably, proceeded that unholy practice among the people, which the prophet reproveth, of putting away their Jewish wives, and taking heathen women—expressed in the Bible by the daughter of a strange god—to wife in their stead, directly
contrary

contrary to positive law, as recorded Deut. ch. vii. 3. By this illicit and unholy procedure, and injurious treatment of their wives, they provoked their God, and necessitated those helpless wives to importune Heaven for redress; who, for this purpose, covered the altar of the Lord with tears, weeping, and lamentation. In consequence of thus imploring the Divine interference, the Almighty declares by his prophet, that he will not accept the sacrifices of men, who thus condemn his laws—nay, even justice and humanity. They say, “Wherefore?”—attempt to justify themselves—but may be replied to thus: The wife you now wrongly divorce, for the unhallowed purpose of taking an idolatrous heathen one, was the associate and choice of your youth, and then you solemnly engaged to live with her in undivided love; but now, regardless of that solemn contract, you deal very treacherously with your wives in thus putting them away. And this reasoning is further strengthened by the prophet reminding the Jews of the *first institution of marriage*, as our Saviour did afterwards in a similar case:—“and did

woman. As to the undue transposition of the word, I am inclined to believe that a mistake; and therefore must differ from Madan's translation—"Did not one make," which is an evident tautology; for the very same is said at verse 10, which begins a section concerning unjust divorce: therefore I am inclined to think that *one* relates to the first woman, who was a part of the first man; and the first pair being represented in Scripture as *parts* of the *same whole*, and cemented by marriage, conveys a strong idea of the inseparability of the persons of a married pair, and is the strongest argument that can be brought against causeless divorce. Thus I think—and in thinking thus I honour that Saviour who redeemed me; for he made use of this argument for the same purpose:—and I am the more inclined to be of this opinion, when I contemplate what follows: "Had he not the remainder of the "spirit"—power—whereby he could have created more than one woman?—"And "wherefore one?" He (the Lord) that was witness between the husband and wife in his youth, hereby *sought a holy seed.*—

Certainly Monogamy best serves one chief end of marriage—the religious education of children ; and hence *a seed of God—a holy seed—a godly seed*—is produced, as well as by preventing intermarriages with idolatrous women, who, undoubtedly, would have been ready to educate their children in their own principles, and thus would have estranged them from Jehovah, and an unholy seed would have been the consequence. This cannot be denied. It must also be admitted, that the prophet was here principally reproving unjust divorce, and representing, in strong colours, infidelity and its consequences ; but as the prophet refers verse 15 to the institution of marriage in Paradise, which *Infinite Wisdom* made use of as an argument against wanton divorce, and which is the most conclusive argument that can be brought, I conclude that this reference carries with it an *implied* approbation of that conjunction of the sexes :—I contend for no more :—prophetic approbation is the approbation of God, and, whether direct or implied, amounts to the same thing ;—in short, though the peculiar disposition of the Jews,

or local circumstances, might make it necessary (to avoid greater mischiefs) to connive at the practice of polygamy, yet it was in itself displeasing to the Deity:—He approved of the contrary at first, and what he once approved, he must always approve:—but to say that he has changed his mind upon the subject, militates against his attribute of unchangeableness. An approbation of *monogamy* is neither more nor less than a disapprobation of the contrary—I mean particularly with respect to the Scripture-passage I have been commenting on. In a reproof of unjustifiable divorce, it was rational for the prophet to refer to the best pattern of marriage;—in other words, what God approved, in order to shew its obligation. But is this reference a mere nullity? If it is, the dispute is settled: but if it carries with it a commendation, which it must, if it is any argument, then we must attend to it as a mode of *matrimonial union* suggested,—or rather, I ought to say, commended by the Holy Ghost; even though no such inference may be made in the Bible,

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“ **THAT** Lord the God of Israel saith, that “ he hateth putting away,” (verse 16) which shews that divorce (in that latitude it was allowed to the Israelites) was not pleasing in itself to the Deity; besides, it is disagreeable to God *when one covers his garment with violence*, as Dr. Pocock translates it, who has given a very clear and satisfactory sense of this phrase, and has proved, from the testimony of several Eastern Writers, that they usually call a wife by the name of *a garment*. The expression of Moses in Deut. xxii. 30. agrees also with this mode of speaking. The passage then will evidently mean that it was hateful to God, either to bring into a family an illegitimate wife besides one that had been legally married before, or unjustifiably to divorce a wife, whatever might be the object of the separation:—this passage therefore is particularly unfavourable to polygamy, as it is also to a great latitude of divorce. In consequence of these things being hateful to the God of Israel, his people are admonished *to take heed to their spirit—AFFECTIONS*—that *they act not unfaithfully* towards the wife of their youth; but that
each

each live with the wife of his youth in undivided affection, mindful of the solemn covenant between them, to which God had been a witness. If the reader is of the same opinion that I am of upon this occasion, it will be unnecessary to advertise him of the contradiction that has prevailed among those who have departed from the true sense, as appears to me, of Mal. ii. 15. Madan says *one* refers to the Deity—others say that it is spoken of Abraham, as appears in the notes of an old edition of the Bible:—"The one: " this the interpreters reckon to be spoken " of Abraham*." This confusion and contradiction is a necessary consequence, and will always be the case, when the most probable and obvious meaning is departed from for the suggestions of fancy and imagination. But should the reader think that both Madan and myself are prejudiced in our illucidations of this text, which perhaps may be in some measure true, I will produce a most respectable and learned authority, who was not in this predicament, but wrote for general information, without the intention of esta-

* Printed in the year 1549, with Tindal's prefaces.

blishing any favourite hypothesis ; and I think he had a right view of the matter. This candid commentator says, “ Among various interpretations of the words, this seems most probable, that the prophet puts the Jews in mind of the first institution of marriage in paradise, (as Christ did afterwards upon a like occasion, Mat. xix. 5.) and tells them God made but one man at first, and made the woman out of him,” (then the objection taken from the use of the masculine gender is of no weight) “ when he could have created more women, if he had pleased. To instruct men that this was the true pattern of marriage ordained for true love and undivided affection, and best serving the chief end of matrimony, viz. the *religious education* of children ; whereas in *polygamy* the children are brought up with more or less care, in proportion to the affection men bear to their wives,” Lowth’s Comment. page 519. This interpretation is directly opposite to Madan’s opinion.—Comparisons in general are odious ; but supposing these men equal in abilities, can the

the single and unsupported opinion of the abettor of polygamy, who is evidently prejudiced, and labouring to support a favourite hypothesis directly repugnant to the *united testimony* of Holy Writ, be put in competition with the author I have just quoted, who had no object but the good of mankind, and to whose interpretation learned writers have in general assented? If there is any truth in the above comment, we must conclude, on the authority of Malachi, that polygamy is not agreeable to God, any more than wanton divorce:—indeed they are nearly allied in their causes, consequences, and nature of offence—being equally, or rather similarly, violations of the *original marriage-institution*.

So much for the Bible consonant to the law of God, independent of practice. With respect to what I have asserted, I have no other wish than that it may be compared with the *original Scriptures*, and stand or fall by their testimony; for in all cases, we should have the best evidence the nature of the thing will admit of. This is a maxim
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of our law, and it is a wise one. I need not remind my readers what mistakes men may be led into by the mere sound of words in a translation, without considering their true import; and whoever reads the *ſtrictures* on the *Holy Scriptures* by Voltaire, that *malicious and ignorant reviler of them*, will have convincing proofs of the truth of this, and will easily discover that he has been led into his mistakes by some *Latin* and *French translations*. But, for the *consolation* of his admirers, I will beg leave to say, that amidst *heaps of nonsense* one may sometimes find a *ſenſible* expreſſion; and with reſpect to the original language of the Scriptures, we ſhould interpret that according to the analogy of the divine law, and not according to the mere ſound of the words, or what they may literally imply in ſome particular paſſages; and it will not be improper to compare our opinions with the interpretations of men eminent for their learning. From conſidering only the English translations, men may be led into many errors—I do not mean from any imperfection in them, but from the indeterminate meaning of ſeveral

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ral English words;—so that if a man comes prejudiced to the reading, from the sound of words, he may make them speak any thing which his fancy suggests. The interpreting Scripture from the mere sound of words, reminds me of what Erasmus relates concerning a *friar*, who, preaching from Luke ch. xvii. 17. which is in some Latin versions, *Nonne decem facti sunt mundi**, began to prove that there are *ten worlds*: but a wit standing by soon put an end to his harangue, by saying, *Sed ubi sunt novem?*—*But where are the nine?* It were well if nothing but those laughable consequences attended *misrepresentations of Holy Scripture*; but, on the contrary, it is well known that they have been productive of effects serious and tragical. The *sound of hereticum devita*, in a Latin version of Tit. iii. 10. has authorised the Inquisition to burn thousands alive, under the denomination of *heretics*. It has been made to mean *hereticum de vita*—*an heretic from life*—put him from life;—in

* I will acquaint the reader who has not learned Latin, that the substantive *mundus* signifies *world*; the adjective *mundus* signifies *clean*, which latter word is here in the plural number, because relating to the ten lepers.

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is just as strong as *new* ; for whoever heard that *glass* was the *weaker* for being *old* ?"—The clergyman gently reproved the ignorance and folly of this *facetious* gentleman, by asking him if he understood Greek ?—" Greek, Sir ?—No, Sir.—What has Greek to do with it ?—A bottle is a bottle, whether in Greek or English—every body knows that, and that an *old bottle* is just as good and as strong as a *new one*."—" Not quite, Sir," replied the other, " if they are made of leather or *skins*"—which was the fact as to the bottles Christ speaks of, as their Greek name 'Ασκος—which signifies a leathern bottle or vessel, used to hold wine—evidently imports :—and indeed it is so in many countries even to this day, that people use skins by way of vessels to contain wine*.—I need not tell my readers how *ridiculous* the facetious reviler of the Scriptures appeared upon this occasion.

I HAVE recited these several cases merely as a caveat against precipitate comments on Scripture in general, or any particular pas-

* See Shaw's Travels, 2d edit. 4to. p. 241. and N. 5.

sage, from the mere sound of words in a translation, without considering their real sense, by adverting to the *original*, and the *labours* of the *learned*.—After having thus attempted to fortify myself, and others in the same province, against the *insolent* attacks of *ignorance* and *preconceived opinion*, I will proceed to consider the doctrine of the New Testament, as it relates to *polygamy*.

WITH respect to the New Testament, Polygamy—so far from receiving any encouragement from that quarter—is really prohibited by it. Blackstone solemnly says, “Polygamy is condemned by the law of the New Testament,”—vol. I. page 436. 7th edit. 8vo. of his Commentaries. And I doubt not but this assertion of that learned and great Lawyer will be verified in our present *scriptural enquiry*. Matthew xix. 5. is full to the purpose, and satisfactory:—*ἄνδρας οἱ δύο εἰς σὰρκα μίαν*—*two shall be one flesh*—that is, *two only*. This is a reference to a certain pattern of marriage, particularly with respect to the indissolubility of the connection and inseparability of the persons
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of the two, in order to bring a conclusive argument against wanton and causeless divorce. But without stopping to contemplate the conclusiveness of our Saviour's argument against divorce, I proceed to say that his reference to, and exhibition of, the pattern of marriage, as exemplified by God in Paradise, is neither more nor less than making a *precedent* of it :—from whence I conclude, that it was the will of Christ that *two only* should be *matrimonially connected*;—indeed it was the will of God from the beginning—it was in itself, exclusive of any circumstances, whether of persons, time, or place, the most pleasing to him, being good and right;—and hence that *solemn denunciation*, in the *time of primæval innocence*, when there was *no necessity to accommodate institutions to depraved manners—the two shall be one flesh*. From this appointment—this act of God—appears the sacredness of the institution—the antiquity of it—the closeness of the conjugal tie—the strength of matrimonial love;—the existence of which requisites of marriage I conceive to be, while human nature is

with respect to divorce in particular, we may very consistently suppose to be permitted by him, to avoid some greater mischief. It was permitted, as our Saviour says, on account of the hardness of the hearts of the Jews; and they being, as Grotius rightly represents them, a people *impotentis iræ*—of *un-governable rage*, would have ill-treated wives disagreeable to them; nay, probably would have murdered them, if they had not had the liberty of divorcing them: so that the law of divorce was then entirely accommodated to the disposition of a particular people; and though in some measure a *suspension* of the *primary law of marriage*—I mean with respect to its obligations—yet temporary circumstances made it expedient. It was in some measure also a temporary inconvenience, but productive of a greater temporary good. Now who will dare to say, that even the permission of a temporary evil, which is productive of a prepollent good, is inconsistent with the divine attributes? The Deity also may, consistently enough with his attribute of unchangeableness, upon important occasions, dispense with his own laws.

The fact of David's eating the shew-bread, and being blameless, which was lawful only for the priests to eat, is one of the several instances that might be produced: and, most probably, some peculiarities of disposition, which the climate might render less governable, might be the reason of the *connivance* at the practice of *polygamy*. But Christianity and its author abhor this heathen practice. God—~~ἀπὸ ἀρχῆς χρόνου~~—*from the beginning of the creation*, Mark x. 6.—made the human kind male and female; and, like the rest of the animate creation, in pairs, for the propagation and education of their species; and for this reason—~~ἕνεκεν τούτου~~—*because of this*, a man shall leave his father and his mother, and ~~προσκαλληθήσεται~~—*agglutinatedus erit*—*shall be glued to his wife*; and these two—or, in other words, a pair, which is an exclusion of any other number—shall be *one flesh* in contemplation of law, and also by virtue of this close connection, which, in the nature of it, is evidently the most inviolable bond of union, love, and friendship;—the *oneness* of which cannot possibly exist but with a *pair*—or, in other words, *between the* two

two only. That polygamy is unlawful under the Christian œconomy, is evident from the united testimony of Matthew xix. 9. and Mark x. 11. which declares, that whosoever puts away his wife for any cause except *ἐν πορνείᾳ*—*for prostitution*—which evidently dissolves the matrimonial bond—*καὶ γαμήσῃ ἄλλην**—*and marries another*, commits adultery; that is, the mere act of taking another wife to his bed, the marriage with his other being undissolved, was adultery on the authority of the primitive institution of marriage:—then

* ἄλλην, if supposed to relate to the word *γυνῆκα*, would be improperly expressed by *ἀλλοθρία*; because *γυνή* does not necessarily signify a wife; it is a general term distinguishing a woman from a man. When there is a possessive joined to it, then it implies the marriage-relation. But that ἄλλην is the true reading, is evident from the universal harmony of the Greek copies, and the quotations of *all* the Fathers, who understand it to be, as it certainly is, applied to *any* woman. Then whosoever, except for *incontinence*, divorces his wife, and takes in marriage ἄλλην—*another woman*, by *this very act* *μοιχᾶται*, commits adultery, as Christ says, Matthew xix. 9. and the parallel place in Mark x. 11. speaks the same thing, with the addition of the words *ἐν αὐτῇ*—*against her*;—that is, from a violation of that matrimonial union, by *carnal* commerce with another, from which she is causelessly dismissed.

polygamy is adultery; because if he, who having put away his wife wrongfully, married another, and that connection was adulterous, it follows, from a parity of reason, that he, who not having put away his wife, marries another, must be exactly in the same predicament with respect to the primary command—*the two shall be one flesh*. Whitby, in his annotations on Mark x, 11, has proved this matter beyond a doubt;—to which I beg leave to refer the reader. But then the writers on the other side of the question, contend that this argumentation of Christ was intended against that latitude of divorce, which the school of Hillel had wrongly taught. This alters not the point in question, nor does it make the evidence adduced less conclusive—which indeed is so plain as to force conviction on the minds of the generality of mankind. However, I pretend not to deny that a question about divorces gave occasion for our Saviour's observations, which question was particularly attended to; otherwise he cannot be said to have replied to what the Pharisees asked him :
 “ Is it lawful for a man to put away his
 “ wife

“ wife ~~καὶ τὴν αἰτίαν~~—*for any cause?*—even the most trifling, as Hillel and his followers taught—making a general rule of Deut. ch. xxiv. 3. which only in a particular case allows a husband to divorce his wife if he *bate her*. The school of Shammah taught quite a different doctrine—that the wife could only be put away for adultery. The law of Moses allowed divorce, if a wife was disagreeable from some *uncleanness in her*, (Deut. xxiv. 1,) which, from what our Saviour says, it is evident could not be adultery or fornication;—besides, the law appointed another punishment for these enormities. The ground of divorce seems to be the woman’s being leperous, or offensive by some bodily disease—some impurity of body. So then it appears, that the two famous schools I have just mentioned, were both, with respect to their notions about the ground of divorce, contrary to the law of Moses. Hence the question of the Pharisees seems an artful one—evidently calculated to render him offensive—obnoxious to some party;—and therefore, in putting the question, they are represented ~~πειράζοντες αὐτόν~~—*tempting him*.—

If

If our Saviour had intended the continuance of the Mosaic law of divorce, he would have appealed to it in his answer, and shewn the corruptions of it; but, uninfluenced by the temporary institutions of Moses, or the opinions of the Jewish doctors, he referred to the original *mode of marriage and its obligations*, as settled by that *Wisdom* which cannot err, in the conjunction of the first pair; which could only be, and certainly was, satisfactory and decisive. If the Paradisaic pattern of marriage had been local or temporary, no general argument could have been drawn from it; but that it was not in that predicament, is evident from our Saviour's appeal to it, and no objection being made on that account. If it had not been the best, he would not have referred to it; but as he did refer to it, and not to any institution of Moses, I conclude that whatever the law of Moses might be, it was the *will* of *Christ*—or, in other words, *God*, that *two only* should be matrimonially connected;—which was bringing back marriage to its original form; therefore what Christ said was

was only declaratory of the law from the beginning. And with respect to divorce, and the foundation of it, as settled by Christ, we evidently perceive a repeal of the Mosaic law; but yet a strict conformity to the original obligations of marriage. I have already observed, that the Mosaic law of divorce was local and temporary, being founded on some peculiarity of disposition in his people; and our Saviour witnesses the truth of this; for he says it was *πρὸς τὴν σκληροκαρδίαν*—*on account of the hardness of their hearts*;—but though justifiable on the footing of necessity, it was not consonant to the nature of the matrimonial tie *ἀπ' ἀρχῆς*—*from the beginnings*. It was permitted through necessity:—but how?—was it only connived at?—No; it was sanctioned by law. If Moses was justifiable in one instance in accommodating law to peculiarities of temper, which were invincible, he was justifiable in others, where there was a similar necessity, and *a fortiori* if not tolerated by law, but only connived at;—as was the case with respect to the practice of polygamy.

300 THOUGHTS ON

It seems then that Christ, against causeless divorce, exhibited a true picture of marriage, and argued chiefly from the inseparability of the persons of the two. Now if the persons of the two are so inseparable as Christ represents, the idea militates against polygamous contracts; because *any carnal commerce* with another evidently dissolves the connection between the two, whether in a matrimonial or any other way; otherwise it could not be the foundation of divorce—or, in other words, dissolution of marriage. It is evident to every impartial man, that every argument brought by Christ on this occasion, militates equally against polygamy as against divorce;—because these arguments, drawn from the indissolubility of the matrimonial connection, as I have often before observed, and now observe again, to rivet the attention of my reader to what is so deserving of it, hold equally on both sides:—indeed, no solid argument can be brought against one which will not in effect be against the other. But if the Messiah had not *plainly* forbid polygamy, I can see no reason for what his Disciples observed:—“ If the case of the man
“ he

“ be so with his wife,” οὐ συμφέρει γαμήσαν—*it is not convenient*—happy to marry. But if contrary to the close connection of the *two only*, plurality of wives was admitted, this inference would be a mere nullity;—for the direct contrary would be true, and every one might say συμφέρει γαμήσαν; because marriage would bring with it pleasure, happiness, and affection, in some or other, though one or more might be hated or unclean. It seems evident then that our Saviour was understood by his own Disciples, as forbidding polygamy in *plain terms*. But, however, this we are certain of, that he would not appeal to what he did not approve—what he approved he must recommend to practice;—therefore, as we must always suppose him speaking for general benefit and general instruction, and as such he approved publicly a *monogamous connection*, as exemplified in Paradise, we may safely conclude, that he intended this of course for the direction of all his followers, independent of any practices among the Jews, whether sanctioned by *law or custom's prescriptive right*:—also, that this regulation of the *commerce of the sexes*

sexes is the best, wisest, and most consistent with nature and reason, otherwise it would not have been, in the perfect state of persons and things, sanctified by divine authority. Hence also I conclude, that it is the most beneficial to society that ~~is~~—*the two only* should be matrimonially connected, as was first commanded and carried into execution by God *himself*. Now, as the *moral intent* of this connection must still involve in it the *good of society*, and as this reason can never cease, but with the present system of things, I contend that this *law of marriage*, which is the law of God, *was, is, and ever will be*, in force, till time shall be no more. And as in the writings of the Evangelists we find no limitations or exceptions specified by Christ, we must conclude he intended none, which brings us still to the same point—the first institution is the Gospel law, rule, direction, or whatever you please to call it, for the adjustment of matrimony. The next object of our enquiry will be, whether or no there was unanimity of sentiment between Christ and his Apostles? And their epistles, which are admitted to be genuine, and

and to be writ by those whose names they bear; must, and only can, determine questions of this sort. If they be found to harmonize with the rest of the Scriptures; which will very soon appear, then the evidence will be compleat and decisive in my favour.

St. PAUL commands us, to avoid *τὸ πορνεῖον*, (1 Cor. vi. 18.) which I suppose is here, as in some other parts of the New Testament, of similar import with *ἀκαθαρσία*—*uncleanneſs*, a general term, inclusive of all illicit commerce between the sexes, of which adultery, the strict sense of the word, is a species;—and at verse 16 he refers to the first institution of marriage, which shews his approbation of it, and condemns *ὁ καλλώμενος τῇ πόρνῃ*—*the person who is criminally conversant with a prostitute*—for his abuse of it. If we adhere to the radical import of the word *πόρνῃ*, it will mean a woman who prostituted herself for hire. But as we do not confine *πορνεία* to the idea of prostitution for hire; because authors give it more extended sense, and the New Testament in particular; so also for the same reason,

reason, we must give a more extensive sense to *νόμις*;—it will then imply a woman granting the last favour out of a state of matrimony. That these definitions are founded in truth, appears from adultery, fornication, and all other uncleanness, of whatever species of criminality in the conversation of the sexes, being evidently prohibited by the Apostle under the idea of *νομις*; as must necessarily be concluded from the assertion that all other sins committed by man are *ἐν τῷ σώματι*—*without the pollution of the body*, verse 18. Then I may observe, as St. Paul did at his setting out on this subject,—“the body is not for fornication,” verse 13.—and every man that offends in this way, pollutes *τὸ ἴδιον σῶμα*—*his own proper body*. Upon the same principles then, a man married to a wife, if that wife has an exclusive right to the person of her husband, as is taught in the next chapter, as will presently appear, that has a connection with any other woman, by personal knowledge, is, if the mere fornicator be an offender against Gen. ii. 24. *a fortiori* an offender.

BUT

BUT the reciprocal duties of husband and wife, as enjoined by St. Paul in 1 Cor. vii. shew the obligations of marriage; and the expression *ἕκαστος τῇ ἑαυτοῦ γυναῖκα ἵχεται, καὶ ἑάσῃ τὸν ἴδιον ἄνδρα ἵχεται*, (verse 2.) is very unfavourable to, nay militates against, the idea of polygamy, as has been already shewn. That exclusive right, which the inspired writer asserts at verse 4 is *mutual*, and which justifies the command *ἑάσῃ τὸν ἴδιον ἄνδρα ἵχεται*—*let every wife retain her own proper husband*—is also the reason of the former one, *ἕκαστος τῇ ἑαυτοῦ γυναῖκα ἵχεται*—*let every husband retain his own proper wife*:—for the idea is the same in both. We cannot apply a greater literary forcibility to one than to the other, without weakening, or rather wholly eluding, the force of the Apostle's argument, besides making him inconsistent. And with respect to the words *ἑαυτοῦ* and *ἴδιος*, they being of similar import, imply property and possession, and are in the New Testament, as well as other books, as must have been observed by every careful reader of Greek, used indifferently.—*ἴδιος* is frequently used for *ἑαυτοῦ*, as all the best Lexicon writers observe, and *vice versa*;—so

that any difference of the words here, on two accounts, is inadmissible;—their indiffer-ent use by authors in general, and St. Paul in particular—and also, that a difference here would destroy the analogy of the reasoning, the idea being totally repugnant to verse 4, which asserts the *exclusive right of the wife to the person—body—of her husband*. Here we find *polygamy* condemned so plainly by construction, that all the sophistry, which ingenuity and ability can invent, has not been able to refute *this plain sense*. I suppose that the contents of the Corinthian letter, which St. Paul answers in this chapter, are not material for us to know, in order to form a judgment of his answer;—nor would they, I presume, throw any light upon the subject, therefore not communicated:—then the province of an interpreter is to deduce such general truths, as are evidently deducible; and as the relative duties of husband and wife are clearly stated, polygamy, if a sin, must at least be constructively condemned; and I say it is in these words,

ὁ ἀνὴρ τὸ ἴδιον σῶμα ἐκ ἐξουσίας, ἀλλὰ ἡ γυνή—*the husband hath not power over his own body, but his wife,*

wife, verse 4. These words convey, as much as it is possible for words to do, the wife's *exclusive right* to the *person* of her husband. As the wife has an exclusive right to the person of her husband, which is here satisfactorily ascertained, *all carnal commerce* between him and another woman must be a violation of this right; therefore those who apply this to a particular case, which they say the Apostle had in view, have only *ingeniously shifted* the argument. If the argument is founded in truth, as it certainly is—for it would be impious even to doubt it—it must hold equally strong against *polygamous contracts*, as against this celebrated doctrine of Plato, *Κοινὰς μὲν γυναῖκας*—*that women—*WIVES—*should be common*. I need not tell my learned reader that this was a doctrine not only of the *schools* of the Platonists, but also of the *Stoics*—was attended to by Lycurgus, the famous legislator, upon patriotic principles—and in process of time became common, and was likewise most shamefully abused:—but as to its first form, it is just as justifiable as polygamy itself. The truth is, Scripture abhors both; and they are both

here condemned:—for that exclusive right, which is truly explanatory of Gen. ii. 24. and which the Apostle, from his first treating upon this subject, seems to have had in his eye, which is made the ground of prohibiting a community of wives, as may be supposed from a parity of reason, must prohibit a *married man*, in all cases, from *all commerce* with the *female sex*, and of course stamp a criminality on polygamy. That able disputant who writ Thelyphthora, is sensible of the force of this argument, adduced not by human wisdom, but by *inspiration*:—he has done all that he can to explain it away, without effect. Sophistry may darken this Scripture-passage, but cannot wholly elude its force; for while men are endued with common-sense, and will judge for themselves, it will be with them an irrefragable proof of the *unlawfulness* of *polygamy*. The husband's exclusive right to his wife, the reason why she may *not be polygamous*, is admitted, and may be proved by these words of St. Paul, Ἡ γυνὴ τῇ ἑαυτῆς σωματικῇ ἐκ ἐξουσίας, ἀλλὰ ὡς ὁ κύριος—*the wife hath not power over her own body, but her husband*. Can any thing be
more

more convincing, with respect to the husband's exclusive right to his wife, than this? It is admitted on all hands to be satisfactory. It is alledged, as a reason against polygamy, and very justly, on the side of the woman, by those who strenuously contend for it on the side of the man. I only desire them to mark what follows—ὁμοίως—SIMILITER—*equally—just in the same manner*:—ὁ ἀνὴρ τῇ ἰδίᾳ σώματι ἐκ ἐξουσιάζει, ἀλλὰ ἡ γυνὴ—the husband hath not power over his body, but his wife:—so then here is exact equality with respect to exclusive right, which prohibits both, or neither, from the practice of polygamy, and all promiscuous connections.

BUT the writers on the other side of the question tell us, that one expression includes exclusive right, and consequently a prohibition of polygamy; but the other does not—though to every body's apprehension the expressions are literally the same. So in effect we are told, that the same words convey, and do not convey, an idea of exclusive right—prohibit, and do not prohibit, polygamy. This is a disposition perfectly *Gnathonian*, prepared to say

and *unfay* at pleasure*.—*N. B.* This is called explaining the Scriptures. It is astonishing to think of the perversions and corruptions of Holy Writ that follow, when men are determined to make it speak any thing, and every thing, their fancy suggests:—even abandoned positions, by these means, have been attempted to be proved by the word of God; but such men are less pardonable than the rational deist:—nay, better men, hurried away by their prejudices, have supposed Scripture to speak the language of their fanciful ideas. Self-importance aiding the error, has not a little confirmed it; and thus circumstanced, we may consider them looking upon Scripture through the mirror of prejudice, and viewing things in a different light to what they appear to the unprejudiced:—just as “all looks yellow to the jaundiced eye.” And with respect to those Scripture-passages above recited, certain I am,

* ——— *Postremo, imperavi egomet mibi,
Omnia assentari.* — Ter. Eun. act. ii. scen. 2.

————— “I’ve brought myself
“To say, unfay, swear, and forswear at pleasure.”

CORFMAN.

that

that those who pretend to prove the lawfulness of polygamy, under the Christian dispensation, can never have attended to their real meaning. The husband is the unalienable right of his wife, and the wife of her husband; and when this right, which is *mutual*, is preserved inviolable, then will be avoided τὰς πορνείας—*those fornications*—PROSTITUTIONS—which the Apostle alludes to, and all others. This explanation, unfriendly indeed to polygamy, gives strength to his argument, which otherwise would be a mere nullity.—If I am not right in this, how could the husband render τὴν οφειδομένην εὐνοίαν—*the indebted good-will—duty of marriage*—ὅμοιον—*exactly similar* to what the wife owes τῷ ἀνδρὶ—to her husband—verse 3. Hence we discover this truth, the duty between husband and wife is *equal*; which will lead to another truth just as evident, both must be prohibited polygamous contracts, or neither; and that both are prohibited by Scripture, appears by the evidence adduced.

I do not look upon these particular precepts I have just mentioned, as merely for

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“ ble Church of Christ is a congregation of
 “ faithful men,” Art. of the Church of
 Eng. xix.—If these observations be true,
 then the position is not admissible, that every
 member of the church is distinctly the
 spouse of Christ; for each member is but a
 part of the composition of the body, which
 constitutes a church, and therefore not the
 same in his individual as in his collective
 capacity. If this is a scriptural illustration
 of the matter, then what a late writer says
 on the subject is very *unscriptural*, and no
 answer to, or refutation of, this question—
 “ If a man hath two wives, how can he be
 “ one flesh with both—or each one flesh
 “ with him?”—a question that will always
 remain unanswered. The learned Beza, on
 1 Cor. vi. 16. says, “ Nor is it true, that
 “ a polygamist is *one* with each of his seve-
 “ ral wives, when he is rather divided into
 “ as *many parts* as he has wives.”

I HAVE always considered 1 Tim. iii. 2.
 as very unfavourable to polygamists:—Here
 a bishop is commanded to be *μίας γυναίκας ἀνδρα*—
the husband of one wife—not given to the
 practice

practice of divorcing one wife merely to take another, as was prevalent among the Jews and Greeks ;—nor to be a polygamist. A bishop was to be Ἀνεπίλητος—*blameless*—and so a bright example for others :—and others, if they do not follow this example under a head—an exemplary defender of the faith—are not blameless. The church-representative should be Στήλη καὶ ἰδρύμα ἀληθείας—*the pillar and ground of truth* ;—certainly then σὺλλογὸς τῶν πιστευόντων—*the collection of believers* may safely be influenced hereby. From which it appears, that the prohibition of a bishop from wanton divorce and polygamy, seems to imply the like restraint with respect to all other men, if it concerns them at all.

THE several Scripture truths that I have adduced, in an united view, form a most *conclusive* proof of the unlawfulness of polygamy ; and they might be further corroborated by remarking, that husband is always in the New Testament—that *criterion of truth*—joined to the singular number wife, not only in our translation, but also in the original Greek. I presume, that if more than

than one wife had been intended for a man at the same time, WIVES, in the plural, would sometimes have been joined to the singular HUSBAND ; but as that is no where the case, I suppose it was not designed. Besides, if polygamy had been intended for a *Christian practice*, our Saviour would certainly have said something about its regulation, and not have exhibited the *original institution* of marriage, which, in itself and obligations, is totally repugnant to it. And it may be further observed, that St. Paul, in his *relative duties*, would certainly have taken some notice of *polygamous contracts*, and their several duties, particularly the subordination of the wives ; without which there could be no family peace :—and it is also equally necessary, for the same valuable end, that the duty of the husband to each should be clearly marked out, and their particular duties to him and each other as subjects to the same head. But since I find nothing about these matters, and as I cannot conclude (but blasphemously) the Christian morality imperfect, and when I take into the account the invariable appeals of the New Testament to the original institution,

tution, as a pattern of marriage—I am of course led to conclude from hence also against the doctrine of a plurality of wives at once.

IN this SCRIPTURAL ENQUIRY, in which I have been wholly unbiaſſed, and actuated only by the *love of truth*—for I do declare I am ready to embrace TRUTH, on which ſide ſoever I may find it—I ſay, in this Enquiry, on the footing of Scripture, the evidence has come out clearly and ſatisfactorily in favour of MONOGAMY; for which reaſon, on the authority of the word of God, I recommend it as a practice worthy of *Chriſtians*;—a rule from which I never can in conſcience depart, let human reaſoning be what it will. When I conſider the laws of Chriſtian ſtates, as prohibiting polygamy, I cannot then but ſo far become their encomiaſt as to ſay, that, in this particular, they are holy, wiſe, ſcriptural, juſt, and good, conſonant to reaſon and nature, and beſt calculated for the *good of ſociety*, which ſhould be the foundation of all laws.

C H A P. III.

POLYGAMY repugnant to NATURE.

IT appears to me to be a matter of no small consequence, in the discussion of the present question, to know what is agreeable to *nature*, with respect to marriage; and that, subordinate to the law of God, ought to be paid attention to. I am aware, that in modern language, *natural* and *unnatural*, from the loose application of them, are very indeterminate in their meaning; which confusion of ideas has rather sprung from the nice and imaginary distinctions of human reasoning, with respect to what is adventitious, or original, in the inclinations of man in a state of society, who is *naturally* a social being—than from any real ambiguity. But without entering deep into enquiries of this kind, probably we may learn some *little* of the *nature of man* from the analogy of other animals; and which, with what we may learn immediately from himself, may perhaps

perhaps be sufficient to establish some hypothesis with regard to matrimonial connections.

ALL experience teacheth, that the connections of the animal world, in general, between males and females, that are left to range their native woods, are between *two only*, for the purposes of propagation and preservation of their species. These ends being soon answered, those connections are only temporary:—indeed, the *union* of the *two only* seems general through the whole creation. I draw no conclusion from what happens among domestic animals—I mean those immediately under the direction of mankind—because it is evident that arbitrary acts, founded on convenience, have restrained nature with respect to them—which is certainly a matter of necessity. At the creation we read of all living creatures being in pairs, and so they were preserved in Noah's ark;—it may also be remarked, that thus connected, the *male and his female*, were ordered to “be fruitful and multiply.” It likewise ought not to escape the observation of diligent

gent enquirers, that those pairs are described by the same Hebrew words, which we translate, in other parts of the Bible, *a man and his wife*—אִישׁ וְאִשְׁתּוֹ—*virum et uxorem ejus*. *Mont.*—which circumstance seems to point out clearly the intention of God and NATURE.

If mankind then have those desires and feelings in common with other animals—the same instinctive powers and physical propensities—they will by *nature* be led to *monogamy* for propagating and preserving their species. But mankind having, in addition, *mental* and *social powers*, which, not offering violence to, but acting in concert with, other physical powers, ripen what was temporary with respect to other animals, into a *lasting* connection.

LEST, by pursuing this argument, I should offend the delicacy of human feelings, I will now confine myself to man, as he is in himself:—indeed, if we would know him perfectly, we must attend to himself; but as with him society appears as old as the individual,

dividual, being a *natural propensity*—the source of civil establishments—we must admit that mankind have physical, mental, and social faculties, capable of high improvement, without changing their nature:—a state of society then cannot be contrary to a state of nature. Allowing this, we are necessarily led to another truth equally evident, that human faculties, not in a state of improvement, may be in a state of debasement, from the introduction of vices, wrong systems of education, or the total neglect of youth. Now, as the degradation of man—or, in other words, of nature—may happen from the luxurious refinement of being highly polished, and the barbarous ideas of uncultivated minds:—it seems the safest way to look for *originality* in the manners of those nations that are equally remote from barbarism and high civilization.

THE study of the manners of antient nations has always maintained an importance in the province of human learning; because it has been supposed that here only can be attained a thorough knowledge of mankind,

Y

unbiased

unbiaſſed by education, and unimproved by learning:—and I am very ready to ſtep out of the path I have chalked out, could the manners of mankind be viewed previous to any prejudices ariſing from human ſystems. One inſtance may be produced from ſacred hiſtory, which is of the higheſt importance, and deſerves our moſt ſerious attention;—there it appears, that in the moſt early ages of the world, *monogamy* prevailed *univerſally*, which is a ſtrong proof, that it is agreeable to nature; but the vices of mankind early broke in upon this law. What happened in the infancy of nations in general, from the obſcurity of ancient hiſtory, cannot be known: in after-times, when their manners and cuſtoms were related by faithful hiſtorians, we find them ſo degenerate, and guilty of ſo many violations of the law of nature, that their practices deſerve not a moment's conſideration;—therefore I ſhall take no notice of any, but ſuch as ſeem to fall under that deſcription, which I have already obſerved to be deſerving of it.

THE condition of the inhabitants of the great American continent, when first discovered by the Europeans, was a state bordering upon mere *animality* in general ;—but, with respect to Peru, in particular, the matter was very different, when explored first by the *ambitious* and *avaricious* Spaniards. Abbe Raynal, a lover of truth, and a sublime writer, tells us, that it was then in some measure a civilized monarchy,—that it had wise civil institutions,—and that its religion was replete with sentiments of humanity. But with respect to marriage, polygamy was prohibited, and adultery punished in both sexes. This practice, which nature seems to abhor, did not obtain, but upon great necessity, among the antient Grecians.—Whether *monogamy* among them was earlier than Cecrops, is not material to know ;—certain it is, that it was the practice of his days, and continued so for many ages. Even Solon, the Athenian Archon and famous Legislator, approved of this institution, and so contented himself with making some regulations, tending to make marriage a less mercenary business, and more a contract of

minds founded upon mutual affection.—**Ant.**
Univ. Hist. vol. VI. page 311. 8vo.—I need
 not commend his laws—they, by being made
 the basis of the Roman jurisprudence, which
 has since been adopted by the greater part of
 Europe under the title of Civil Law, have
 given mankind an opportunity of judging
 of them.

FROM Potter's Antiquities we learn, that
 “ polygamy was not commonly tolerated in
 “ Greece ; for marriage was thought to be
 “ a conjunction of one man with one wo-
 “ man ; ”—whence some will have γάμος de-
 rived—*παρὰ τὸ δύο ἄμα εἶναι—from two becoming*
one,—vol. II. page 26. That this was the
 custom of Sparta, he particularly observes,
 and for the truth of which he refers to He-
 rodotus, b. 5. He also adds, that the rest
 of the Grecian cities agreed with the Lace-
 demonians in this, except when almost de-
 populated by war, or some other calamity,
 and *then only* a toleration was granted for
 marrying more wives.

AMONG the Romans polygamy was pro-
 hibited by the laws of Romulus, and prac-
 tice

tice was most generally consonant thereto. When I consider the severity of the *morals* of these people, and their many eminent virtues, I am inclined to put some value upon their practice. And with respect to the state of Christendom, I do not see why that should be wholly rejected in evidence, except it could be proved that our conduct is repugnant to nature; which will hardly be admissible, when we reflect on the important ends of the redemption—such as the renovation of our corrupted nature—and a restoration to primitive innocence, and native simplicity of manners. But we may be degenerated:—this is possible, and perhaps to be proved. But that is not the case with marriage; for *monogamy* has been from the *apostolical times*, notwithstanding the defection of a few, always a Christian practice; therefore, the conclusion we must draw is, either that it is the law of nature—as all enlightened nations have apprehended—or that it is the law of Christ—or both.

AMONG those people whose manners, according to my ideas, are most consonant to

primæval innocence, I cannot but introduce the various nations of the South-Seas, lately discovered, where *monogamy*, as we are informed by a most learned writer, is *universal*. Such also is the happiness of marriage among the Taheiteans in particular, that even Christians may contemplate it with admiration. “ The husband and the wife of his bosom, whom love unites by the silken ties of matrimony, form the first society. This union is, in these happy regions, first founded on the call of nature, in mutual assistance, and the sweet hopes of seeing themselves reproduced in a numerous offspring. In more degenerated nations, matrimonial union takes place from brutal appetite, is grounded on the satisfaction of sensuality—the expectation of assistance from persons, whom oppression and custom has condemned to become drudges—and lastly, the idea of gaining more strength and power from a numerous family of children. On the contrary, the mildness of the climate, the happiness of organization, and the kind and benevolent temper of this people, together with their more enlightened intellects, contribute very much

much to refine and ennoble that soft passion which is the first beginning of this congenial harmony: and hence the brutish instincts, which were wants of the same low rank with hunger and thirst, are raised to a lasting virtuous passion. This refinement of mutual love and matrimonial complacency, produces those tender regards with which this happy passion inspires its votaries for the beloved object; and it creates that mutual happiness, which is the result of all the more refined manners, and of their more polished behaviour towards one another. The offspring of such a happy couple early imbibe, by the example of their parents, that kindness and benevolence, and those refined sentiments of love and happiness, which contribute so much to confirm the felicity of their parents, and wish to reduce them to practice, as soon as they feel the call of nature, and find a partner whose sentiments are in unison with their own; so that these simple, but more exalted ideas of matrimonial union, are thus propagated and perpetuated in the progeny of a virtuous and tender couple."—*Dr. Forster's Observations*

tions made during a Voyage round the World,
&c. p. 349.

THE above remarks, which gave me infinite pleasure in reading, I have taken the liberty to transcribe; but the reader has my permission to make what conclusions he pleases from them—though at the same time I cannot but acknowledge that they strike me very forcibly in favour of *monogamy*:—And when I consider that those people had nothing but the light of nature to direct them, I cannot think this practice contrary thereto, especially when I reflect on their morals—their innocence of heart and genuine simplicity of manners—their benevolence and real goodness, which would do credit to civilized Europeans:—I say, when I consider these circumstances, I conclude that their general conduct is eminently directed by Nature's law,

If I were to sum up the evidence which we ought to collect from the above facts, it is very certain that—though it must be admitted—the mildness of the climate contributes

tributes something to the softening the manners of mankind; yet something higher must be chiefly looked up to—that bright *Image of Divinity*—Original Nature, and its result, a consciousness of good and virtuous actions, inseparable from the human constitution undebased, and which have prompted men to noble and generous struggles, in the cause of virtue and social happiness, unattempted by those of a degenerated, corrupted, degraded condition. Supposing mildness of climate to operate as a preservative from debasement, which is all that we can rationally allow it, then the inhabitants of hospitable climes, unwedded to any system of religion or policy, will, under the direction of *nature only*, retain native innocence and primitive simplicity of manners; and certainly then we must look here for institutions perfectly agreeable to nature, without any heterogeneous mixtures:—here also we must look for the marriage of nature; and as we find *monogamy* the sweetest and most tender union—where nature is simplified—an union as lasting as life—we must conclude it the law of nature. And as this practice is only departed
from

from by those who have violated most that law with respect to their general conduct—or, in other words, by the most debased of mankind; but adopted by all those of a contrary description in general, inhabiting very different climates, I cannot therefore attribute it to local or peculiar causes.—Hence I am induced to oppose polygamy on the footing of the law of nature; for most certainly the above moral arguments, taken from decided facts, in their united view, form a most conclusive argument against this kind of marriage. But should numbers be objected to me, my answer would be, that the circumstance of polygamous nations being more numerous, in early ages, than those that were monogamous, is no more in proof of polygamy, than the number of the Heathen nations against the Jewish is any proof for polytheism. It is only the virtuous,—whether few or many, the children and followers of nature—that deserve our attention. Here only we can read nature, and in my opinion Common-sense:—for I do not think this latter to be the perception of debased minds; therefore I do not set that down for common-

common-sense which happens to be the prevalent opinion of the multitude, which would be making it a *mere proteus*, continually changing *shape* with the humours and inclinations of mankind; but I look upon it to be the genuine perceptions of uncorrupted nature, which supply materials for that operation of mind denominated reason;—from whence it appears that nature, reason, and common-sense are so near allied, that an offence against one, must be an offence against all;—and also, that in proportion to the debasement of nature must be that of human reason, which clearly points out the necessity of a revelation of the Divine Will, and many other things equally evident— which I will quit, to return to the main subject.

THE equality of males and females born in the world, which Major Grant, Mr. Derham, and other laborious calculators, assure us is matter of fact, seems to intimate nature's intention to be *monogamy* for the propogation and education of mankind. Could we be assured of the universality of this

this argument—I mean that it held good with respect to all countries—it would of itself form a conclusive argument against polygamy. How far it may hold good with respect to this kingdom, I have not sufficient evidence to make any determination of my *own*;—but from the authority of others, whose veracity is unimpeachable, I can say it does hold good. Since I begun writing upon this subject, I have had the curiosity to look into the register of baptisms, belonging to the populous parish of a neighbouring vicar, where, upon comparison for the last ten years, I found only an excess of six in favour of the females:—but upon looking twenty years farther back, I found so near an equality of the births of males and females in the space of ten years, that there was only a difference of one. But it is not necessary that this equality should hold in every particular parish, it is sufficient if it is found in the kingdom at large, to determine our practice. I believe it is a *decided fact*, with respect to Europe; therefore, if the equality of males and females is any argument of the intentions of nature, then *polygamy* is
unnatural

unnatural in Europe at least. Dr. Forster observes, that “ in the greater part of Europe, it has been proved by the most accurate lists of mortality, that the proportion of men to women is nearly equal; or, if any difference takes place, the males born are more numerous, in the proportion of 105 to a 100 :—*here no doubt Providence has enforced the NECESSITY OF MONOGAMY* *.”

WHETHER this argument holds in Asia and Africa, as no accurate enquiry has been instituted, is matter of uncertainty. Those people that are polygamous, and have monogamous neighbours, may easily by art, address, or commerce, get an extraordinary supply of females; but in Africa, where all the nations are polygamous, and where every man has more than one wife, I cannot conceive how these numerous wives can be procured, but by supposing the females more numerous than the males. However, I am not clear in this matter—I mean with respect to the disproportion in births—because

* Observations, &c. page 428.

I know

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I know that the practice of polygamy has given rise to a very barbarous policy:—as in China, where permission is given to parents to kill or expose their children. Ferguson's *History of Civil Society*, part III. sect. 4. And the people of Angola in Africa, in order to get rid of their superfluous numbers of men, have had recourse to the barbarous expedient of selling them to the Americans for slaves. Puffendorf's *Law of Nature and Nations*, page 345, N. (a.)—When I also consider the frequent wars between neighbouring tribes, and the custom of the conquerors carrying the conquered into slavery, I can from this reason conceive a superfluity of woman, which might first introduce polygamy among many, merely as a temporary expedient with respect to the ravages of war; and being palatable to people addicted to venery, its continuance may easily be accounted for:—which vicious habit, in a long succession of years, may have inverted that general rule of nature—the equal proportion of women to men. For I am clearly of opinion that man is enervated by the use of many women, and this enervation

tion encreasing with time, weakens gradually the constitution;—besides, in polygamy, a woman has not that share of *physical love*, which in monogamy would be her's; therefore, as it is a settled point, that vigour of constitution prevails in generation, it is not to be wondered at, if the greater number of children be born females. All which only tends to prove, that corrupt and unnatural practices continued eventually tend to pervert the order of nature. Indeed, it is not to be doubted but too great a facility for youth forming early and irregular connections with lascivious females, would exhaust them, and make a material *disproportion*, in process of time, between males and females in any country; therefore if we wish to preserve the order of nature, and the best marriage for perpetuating and encreasing mankind, let prostitution be restrained, and the licentious conduct of youth, in particular. I may here also observe, that from the debasement and degeneracy consequent on vicious habits, or some great misfortune causing the number of males and females to be very unequal, have given rise not only to
polygamy,

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polygamy, but also to *polygyny* and *polyandry*; all of which are equally abhorrent from nature, and have no other apology but those *peculiar causes* which first gave rise to them. How far these practices, from certain local circumstances, are justifiable, is not my business to determine:—but they would certainly be highly blameable in a great and enlightened nation, blessed with wise civil and religious institutions:—that I, or any other writer in future, should be wicked enough, where every thing, nay, the very climate abhors them, to form a wish, much less a plan, to introduce them, and thereby entail misery and wretchedness on a happy race of men,—forbid it Benevolence!—forbid it Humanity!

WITH regard to the influences of climates, which much deserve our attention, and particularly in this chapter, it appears to me, that independent of other considerations, mildness of climate contributes to a happy organization, and consequently tends to soften the manners of mankind, as also to preserve native simplicity; for temper
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and disposition, as well as intellectual operations are, in some measure, dependent on the state of the animal organs. Hence in happy climes, we often find those virtues, a state of nature, which many, in even high civilized societies, are strangers to. But happiness and moral rectitude in other latitudes, whether hot or cold, are more an art, and demand, to prevent degeneracy, the intervention of wise institutions. Unaided by these, the rigours of a climate cause in human bodies a congenial rigidity, which necessarily operating upon the mind and heart, is productive of an insensibility to social feelings, and in the end of a total degeneracy:—in such situations we sometimes read of *polyandry*. The climate is only a secondary cause of this debasement;—but if it is a primary one, its malignancies may easily be corrected by education, which tends to improve physical, mental, moral, and social happiness, whereby useful ideas are propagated and multiplied; consequently I should suppose that climates can have no influence but on debased minds; and therefore am inclined to say that the want of a

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good education is the principal cause of human debasement. That wise regulations can remove the inhabitants of an inhospitable clime far from that wretchedness that otherwise might be their condition, is evident from the present happy situation of the Russians, under the *benevolent legislation* of their humane Empress, CATHERINE the GREAT.

BUT on the other hand, hot climates are equally repugnant to a good moral condition and social felicity; for they cause an irritability of the human organization, which affecting the disposition, inclines men passionately to venery and licentious enjoyments. So if those melting desires, unknown but in luxurious climes, are not restrained by wise policy, they might, and probably would, among a degenerated people, make the commerce of the sexes a mere *debauch*. Hence among debased nations in hot climates, and also barbarous ones, in different temperatures with respect to the latitude of the place, where women have been looked upon as mere private property, for the sole purpose
of

of gratifying *brutal appetite*—a principle tending to narrow men's minds, and to *brutalize* their feelings—*polygyny* and *polygamy* have been common. But it is not to be doubted, that, as these enormities are the offspring of a debasement, proceeding more from a want of a good system of education than any thing else, they would be easily removed by the interference of wise legislators, who under Providence are often the means of bringing men back to their duty. And I have not the least doubt, but wise political and religious regulations, would easily overcome any difficulties arising from *climatic* influences over debased minds, from which enlightened minds are far removed; and hereby polygamous nations might be induced to return to the primitive method appointed by Providence for the propagation of mankind—an object laudable in itself, and worthy the attention of mankind! And that this is practicable, is confirmed by the united testimony of all our travellers and voyagers. That nations degraded below the primitive moral condition of mankind, to *animality*, *savagism*, or *barbarism*, are not

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brought

brought back to original simplicity of manners—the true criterion of nature undegenerated, or improved to high civilization—is not because human nature, even in its most debased state of animality, is incapable of it; but because men do not proceed properly to effectuate this noble purpose. Reformers are too sanguine in their expectations, and too violent in their proceedings:—they strive to force, rather than gently bend, human nature;—they want an immediate change, which is incompatible with local prejudices, and the inveteracy of habit. Whereas the progress of improvement must, in the course of things, be slow and gradual, similar to the progress of man, considered as an individual, from infancy to manhood; so slow do individuals in their social capacity ripen to the refinements of well regulated societies.

BUT though a departure, by debased and barbarous nations, from the true marriage of God and Nature, may be thus easily accounted for; yet a polygamist may very pertinently demand to know what I have to say

say to the Jewish practice with respect to marriage. As I think an enquiry of this kind too consequential to be discussed superficially; I shall therefore make it the subject of the next chapter. But, in the mean time, to settle the business of this:—whether I have produced any argument of solidity enough to bring it more to a certainty than it has hitherto been, that polygamy is contrary to nature, must be wholly left to the reader's determination.

PUFFENDORF says, that, “ whether or no
 “ this practice (polygamy) be repugnant to
 “ the law of nature, is a point not fully
 “ settled among the learned.” — *Law of
 Nature and Nations*, b. vi. c. i. page 344.
 This only shews that they did not all look
 upon it as a settled point; so their arguments
 are recited, and the reader is left to judge of
 the solidity of them. But that it was with
 Puffendorf himself an undecided point, I
 can by no means admit; for after reciting
 the arguments of the learned, and declining
 to give any opinion from a comparison of
 those arguments, he says, “ this is very
 Z 3 “ clear

“ clear and certain, that the most decent,
 “ the most proper, and the most peaceable
 “ way of wedding, is for *one to live contented*
 “ *with one*. This then, without all doubt,
 “ is to be esteemed the highest, and the most
 “ perfect kind of matrimony ; and the laws
 “ and conditions of it are most religiously
 “ to be observed, as well by the husband as
 “ the wife.” In the following words he
 clearly gives a decided opinion :—“ It is
 “ worth remarking, that where several wives
 “ are allowed to one man, he seldom fails to
 “ single out a *beloved*, whom in all respects
 “ he prefers to the rest. Thus *nature itself*
 “ seems to lead us into *unity*.” Id.—From
 whence it appears, that the Author of *The*
lypththora either misunderstood, or wilfully
 misrepresented, this great writer. When I
 take another view of his principal reasons
 for *monogamy*—the *greatest decency*, and the
greatest propriety—I am not a little confirmed
 in my own opinion :—I am confident that
 these are the genuine dictates of nature ; so
 far as any practice recedes from these, it is in
 some degree contrary to nature :—polygamy
 does recede from them, therefore polygamy
is

is in some degree contrary to nature. And the decided fact of polygamists singling out a *beloved*, to whom they give all their affections, is a clear proof that *Nature* abhors a multitude of wives, and “ leads us into “ unity.”

FROM a reconsideration of all that has been said, and revolving in my mind all objections that have or can be made, I am clearly of opinion, that it amounts to a *moral certainty*, that polygamy is repugnant to nature. As to this not being a settled point—or, in other words—that all writers do not give it as their opinion, though the best authorities do; I can no more think evidence of this kind to invalidate the truth, than I can think the truth of our religion affected by the arguments of unprincipled writers brought to prove the position—God has never made any revelation of his will to mankind; and therefore it may be said that it is not, since others contend as strongly for it, a settled point. But reasoning of this kind is too absurd and dangerous to all truths ever to be admitted by impartial rational men. With

respect to “ the polygamy of the *Fathers* “ under the *old covenant*,” which some have erroneously thought *unanswerable*—(see Puffendorf, b. vi. c. 1.)—that will meet a discussion in the next chapter. Indeed, it is the only argument of any weight that can be brought against what I have said ; but is most certainly founded upon wrong principles.

BARON MONTESQUIEU has suggested an easy method for settling this matter ; and if it was a matter of indifference, I should certainly recommend a particular attention to what he says :—he is for assigning physical reasons—or, in other words, the heat and cold of the climate, for the permission or prohibition of polygamy. He says, “ the “ law which permits only *one wife*, is physically conformable to the climate of “ Europe, and not to that of Asia.” Spirit of Laws, Eng. Transf. b. xvi. c. 2. But that the influences of climate do not constitute physical necessity, is evident from the manners of the inhabitants of those islands of the South Sea lately discovered ; for in those hot climes, where the people are much
addicted

addicted to venery, and where luxury has made some progress, *monogamy is universal*. But it is worth remarking, that his, and indeed all human reasons, hold against the establishment of polygamy in this kingdom : indeed, the climate does militate against it, | equally as against POLYANDRY ; for we are neither frozen into insensibility, nor heated to mad desire. As Montesquieu has well recollected himself when he says, “ human
“ reasons, however, are subordinate to that
“ *Supreme Cause*, who does whatever he
“ pleases, and renders every thing subservient to his will,”—so should we, in our argumentations. Hence I am led to remark, that as God is the author of nature—the order and physical constitution of persons and things, as *monogamy*, is the law of God—or, in other words, his will ;—and as all things, even nature itself, is subservient to his will, I conclude that this kind of marriage is the law of nature ; and therefore all other kinds must be contrary to it ; and also, keeping in view the subserviency of things to the Divine Will, that no influences of climate are invincible. Indeed,
if

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if we were to argue from *local* or *peculiar reasons*, independent of nature, and its best interpreter *the law* and *the testimony*; and if men do argue so, “ it is because there is no “ light in them,” (Isaiah ch. viii. verse 20.) we might be led to the establishment of POLYGAMY in one place, and POLYANDRY in another. As it may be sometimes difficult to determine, in a state of debasement or prejudice from the inveterate habits of custom, what are the genuine dictates of nature, Universal Goodness has not left man in doubt and uncertainty with respect to marriage;—but has enforced, by positive law, what was the original law of nature, for the law of God and Nature are the *same*.

I KNOW that many writers have alledged, that the missionaries insisting so rigidly on the practice of MONOGAMY, has been an insuperable bar to the present Eastern nations embracing Christianity. Certain it is, that, *among other conditions*, this has been objected to, Puffend. b. vi. c. 1. But this does not prove the practice either *natural* or *unnatural*;

unnatural;—it shews that inveteracy of habit warring against the law of heaven. In short, they object to *many conditions* of Christianity; therefore, in order to please them, you must cobble and patch it, till it becomes a system of strange heterogeneous mixtures, and retains little of Christianity besides the name. That grand deceiver, Mahomet, had recourse to a palatable system of this kind, equally repugnant to nature as the law of God; but that any Christian should think of using the same method, is really a circumstance very unaccountable.

SUCH are my ideas of *order, decency, and modesty*, of which every unbiaſſed mind is conscious—which is the voice of nature—or, in other words, common-sense relative to morals, to which MONOGAMY is strictly conformable, as also the DIVINE LAW, that I cannot be angry with Bellarmine when he saith—*Ob ſolam polygamiam infideles a baptismo et toto Chriſtianismo arcendi*:—"that
 "infidels, on account of polygamy only,
 "should be debarred from baptism, and the
 "whole of Christianity."—De Matrim.
 c. 12.

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I LOOK upon those Jesuits, who had the honesty to dissuade their Tonquinese converts from the practice of polygamy, to be doing their duty in that particular ; but this practice was so inveterated by custom in Tönquin, that the law of Heaven and its asserters were banished together. These poor Jesuits were much in the same predicament with the King of Tonquin, as the deputy of Alexander was with the Hircanians and Bactrians—I mean with respect to the reason of their respective treatment—for the prejudices of custom occasioned both. It seems
 “ the Hircanians and Bactrians cast their
 “ aged parents, yet living, to the dogs ;—
 “ which inhumanity, when Stasanor, the
 “ deputy of Alexander the Great, endeavoured to suppress, they had like to have
 “ *deposed* him from the *government* ; so prevalent is the force of received *custom* on
 “ the minds of the unthinking herd.”—
 Turkish Spy, vol. IV. p. 39.

AND it is this same baneful influence, which, maintaining its ascendancy over the minds of many, leads them to adopt practices

tices merely because they are *provincial*, which enlightened minds condemn. Antiquity supplies the place of worth, and superstition and her concomitants do the rest.—Hence human reason is debased, and the natural innate consciousness of right and wrong, is perverted or disregarded;—and hence it is that MONOGAMY is not generally perceived to be the law of nature, and universally employed for the continuation and multiplication of mankind.

C H A P. IV.

REMARKS on the JEWISH POLYGAMY.

AMONG the Jews, whose government was originally theocratical, if we look into their antiquities, we see practices owing their origin to PECULIAR CAUSES ONLY:—whether or no these causes were invincible, may be doubted; but that the opposition of them would have been productive of greater mischiefs than the indulgence, must be granted. When a people are thus circumstanced, whether from the inveteracy of custom, climatic influences, or constitutional propensities, it seems that lesser enormities may be permitted to avoid greater. And hence we may account for the great latitude of divorce that obtained among the Israelites by Divine permission. Without this permission, those people, who were hard-hearted, and, as Grotius remarks, *impotentis iræ*—“ of ungovernable anger,”—
might

might have beat most unmercifully,—nay, might have killed their wives :—to avoid which, we find a suspension, for several ages, of that law—or, in other words, God's own institution, which was founded on nature. If the temporary suspension of a law be justifiable from some sovereign necessity in one case, certainly it is in another, where the same necessity exists. That the Jewish divorces, as permitted by their legislator, Moses, who was under the immediate direction of the Deity, was contrary to the divine law, is attested by Christ, Matt. ch. xix. 8. And I have further to observe, that this dispensation exempted from civil punishment, and indeed all punishment; for the primitive law being suspended, so of course must its effects—or, in other words, all the consequence of its transgressions; which, during its suspension, could not be a sin;—for where there is no law, there is no transgression; and certainly a suspended law *pro tempore* is a mere nullity. But our Saviour takes away this dispensation, and says he would have his Disciples act according to the genuine intention of God's primitive institution

tution of marriage. Nearly in the same predicament, with respect to its obtainment and justification, is polygamy.

I NEED not tell my readers, that the Israelites emancipated themselves from Egyptian slavery, and, under Moses their leader, conquered and settled in Palestine:—I only just mention these circumstances, to remind them of the great probability of their being prejudiced in favour of many EGYPTIAN PRACTICES, and among others that of POLYGAMY. What power customs, inveterated by a series of years, have over the human mind, is too well known to need any description in this place; and it is evident from the whole of the Bible, that Heathen customs had taken very strong hold of the people of Israel—so strong, that Moses was obliged to attend to those prejudices. The authors of Antient Universal History say, that Moses was FORCED TO INDULGE * the Jews in the practice of polygamy: which necessity must in some measure arise from the causes already mentioned. Also, if those people were re-

* Vol. III. b. i. c. 7.

markably

markably addicted to venery, and had been confined to one wife, they might, in opposition to all law, have filled the land with prostitution—nay adulteries—and so have rendered all, or many, genealogies uncertain and suspected—evils in themselves and consequences, with respect to that nation from whom the Messiah was to come, greater than polygamy. It is not to be wondered at then, that Moses connived at a practice, which, if restrained, might eventually have been injurious to the cause of truth. Indeed, polygamy might be expected to be the consequence of dispensing, in part, with the primitive institution of matrimony, in the case of divorces, as several of its obligations were thereby loosened. If I was to make any inference from our Saviour's condemning both these practices, upon the same principles, and at the same time, I should conclude that they were similar offences, had their permission from the same causes, and that one was in some measure a consequence of the other. That both were permitted to the Jews, is past a doubt, for some sovereign necessity; which will account for

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their not being spoken of with abhorrence
 or severely reprov'd, in Scripture. What
 was permitted, it would be nugatory to ex-
 pect should be frequently blamed; and it
 would be equally ridiculous to assert, that,
 because it was permitted to a *particular peo-
 ple*, under *particular circumstances*, it is there-
 fore lawful to all mankind; for no nation
 can possibly be in the same circumstances.
 When, therefore, we say polygamists are
 adulterers, we must except the Jews; be-
 cause allowed, or, which is the same thing,
 conniv'd at, among them; for it was not
 sanctioned by law. However, bare permis-
 sion takes off, as far as that permission ex-
 tends, all offence;—otherwise Moses esta-
 blished adultery by a solemn law, which
 dissolved the marriage bond for trivial causes.
 The bare supposition would be blasphemy
 against the wisdom of God, that what was
 permitted by him was a sin;—for Moses is
 no one instance acted by his own authority;
 so that we cannot shelter ourselves there;
 for he says himself, “I have taught you
 “ statutes and judgments, even as the Lord
 “ commanded me,” Deut. iv. 5. Upon the
 whole

whole we may conclude, that Moses, under his administration of the Jewish theocracy, as he was instructed from above, commanded not, but only *permitted*, some practices, as expedients to obviate certain mischiefs of great malignancy, with respect to his system and its objects, which might, and certainly, would, have been the consequence of enforcing the letter of the law in every instance; then those practices, as matters *then* stood, were justifiable. The elaborate Noldius, after a minute and candid review of all that can be said on both sides, at last concludes, *Sanctos veteres polygamos non peccasse coram Deo*—Heb. Part. Annotat. 225.—“ The old
 “ saints, who were polygamists, did not sin
 “ before God;” and he assigns the following reason:—*Quia habuerunt dispensationem specialem et extraordinariam*:—“ because they
 “ had a special and extraordinary dispensation;” that is, the permission of Moses. It will follow then, that this permission militates against the idea of sin where it obtained; but where it does not obtain, or is superseded as among Christians by the revival of the law from the beginning, poly-

gamy must be a sin. If this be a right view of the matter, which appears to me to be really so, then what one of the doctors said in the famous council of Trent cannot be wrong :—" The antient fathers had many " wives by dispensation, and the others who " were not dispensed with, did live in per- " petual sin," Brent's Hist. of the Council of Trent, p. 671. I do not pretend to establish any doctrine on the authority of the Council of Trent, and I am equally unwilling to reject the truth, let it come from what quarter it will. I am a stranger to the violence of party, or to difference with a man in all things, merely because we may think differently in some :—I am a lover of truth, and shall always attend to it, totally regardless whether it was spoken in a synod of Romish or Protestant Clergy. After this sincere declaration, I have to observe, that I only introduced the above testimonies merely as coinciding with my own genuine sentiments.

FROM a review of the whole it appears, that polygamy under the dispensation of Moses, because

because permitted, was not a sin; but as there never can be exactly similar reasons, no supposed expediency can justify the revival of the permission:—besides, a permission is very different from a commandment—the latter is the *will* of God, founded on the nature and reason of things—the other only on some peculiar temporary expediency: therefore they deserve no attention, who argue for the introduction of polygamy among Christians, merely because it was practised by the Jews, and not frequently reprov'd in Scripture.—Practices are of but little value—they settle not the business;—No; for that purpose we must refer “to the law and to the testimony.” Isaiah viii. 20.

HAVING said thus much in vindication of the Jewish polygamy in general, and the *temporary* dispensing with some of the obligations of marriage, its causes and consequences, under the Mosaic dispensation, I shall proceed to give a short history of the conduct of some individuals, so far as concerns polygamy—I mean such as deserve most our attention, whether prior or subsequent

to the giving the law at Mount Sinai. The history I am going upon, opens to the reader's view the prudence and passions of men operating in their common course, and producing their common effects; but if he is attentive, and examines matters minutely, he will see the wisdom of God interposing, and conducting events to his providential purposes; and will also contemplate things in a very different light from that in which they present themselves to *careless observers*.

LAMECH was the first *polygamist* *; but as he was only the sixth person in a direct line from Adam, and not much more than a century after the creation, we can hardly suppose him ignorant of what now stands upon record on the subject of marriage—(Genesis ch. ii, ver. 22—24.)—and which was doubtless then handed down by tradition; but it is most probable, that, like the *profligate* Cain, from whom he was descended, being led away by *brutish lusts*, he totally disregarded it. That Cain and his posterity were

* Vid. Bible. Gen. chap. iv. verse 19. and Theoph. ad Autol. lib. ii. page 150.

totally

totally abandoned, is past a doubt. Guthrie, in his General History of the World, referring to Josephus, observes, " that Cain, " instead of being amended by his punish- " ments, became more profligate ; he aban- " doned himself to his *lusts*, enriched him- " self by violence and rapine, and without " any regard to justice, committed all manner " of outrages," vol. I. page 10. And with respect to the posterity of this abandoned man, Guthrie, from the same authority, tells us they " were enormously wicked, " every succeeding generation growing worse " than the former, and becoming wholly " addicted to rapine and *brutish lusts*," p. 11. To this race of men polygamy owes its introduction into the world :—the child of *violent* and *brutish lusts* !—Detested for ever be the practice and its origin !

Moses, in his account of those degenerated Antediluvians, casts the severest reflections on them, under the designation of *men* and *daughters of men* ; whereas the righteous descendants of Seth are denominated *sons of God*. And it further appears from the Bible,

hence many were ensnared in this *sin*, which Lamech, the profligate descendant of Cain, had begun. But it will be worth while to enquire how this custom became *patriarchal*, and what, in particular, could induce good old father Abraham to adopt it.

ABRAHAM, to whom Jehovah had promised a multiplication of his seed to a numberless multitude, (Gen. ch. xv. 5.) believed the promise; but Sarah his wife, reflecting on the matter, thought her barrenness might be an insuperable bar to the fulfillment of it; and therefore, in order to have issue, advised her husband to take possession of the person of her maid for that purpose; and the too uxorious patriarch consented to the advice. The Bible history, after acquainting us of the divine promise to Abraham, and the confirmation of it by a sign, plainly imputes the circumstance of Abraham's taking Hagar to his bed, to the doubts of his wife. "Now Sarai, Abraham's wife, "bare him no children, and she had an "handmaid, an Egyptian, whose name was "Hagar; and Sarai said unto Abraham, Be-
"hold

“ hold now the Lord hath restrained me
 “ from bearing, I pray thee go in unto my
 “ maid; it may be I may *obtain children by*
 “ *her*. And Abraham hearkened unto the
 “ voice of Sarai: and Sarai, Abraham’s wife,
 “ took Hagar her maid, the Egyptian, and
 “ gave her to Abraham to be אִשָּׁתוֹ”—*his*
concubine—Gen. ch. xvi. 1—3. The whole
 of this transaction then must be attributed
 to an eager desire of issue; therefore not the
 effect of a licentious desire of luxurious
 enjoyment, but of prudence, or rather *hu-*
man wisdom superseding the *divine*:—but
 what was the consequence? Sarah was de-
 spised—quarrels were excessive—and caused
 the dismissal of the maid—concubine.—
 Here the Scripture gives us an instance of
 the troubles that do, and ever must, attend
 that wisdom, which attempts to bring about
 even things desirable in themselves, by means
 which God has expressly forbid. God de-
 clared in the beginning that a man should
 cleave to his wife, and they two shall be one
 flesh;—for the אִשָּׁתוֹ in the New Testament
 is no interpolation, nor paraphrase, but a
 literal translation of the true reading of the
 Hebrew,

Hebrew, as retained in the Samaritan Code ; whereby a plurality of wives at once, and any separation of the two, was prohibited, as has been already fully proved. If Abraham and his wife had considered this attentively, they would not have acted as they did. However, their sufferings in the then state of things, were evident marks of the *divine disapprobation*. Hence we may learn the wisdom of the divine commands, from the union of the two only—comfort, peace, security, assistance, happiness ;—but by a violation of this union, whether by another wife added, or a concubine, as in the family of Abraham, the consequences are perpetual discord, disquiet, animosities, jealousies, and other innumerable evils ; and when not by mutual consent, as here, we may add to this catalogue of evils, crimes of the blackest complexion :—and that these consequences will happen, and *must* happen, in the course of things, is confirmed by the general experience of four thousand years.

WHEN the Deity appeared next to Abraham, he addressed him thus :—I am יְיָ—
the

the all-sufficient—walk before me ; and be thou perfect, (Gen. xvii. 1.)—that is, as I am sufficient for the accomplishment of all things, certainly then of the promise that I have made thee ; therefore rely on my power, and keep my commandments : which appears to me to be a rebuke for the unjustifiable attempt to multiply his offspring by having *personal knowledge* of Hagar. The learned Buxtorf, comments most excellently on the spirit of the Hebrew, in the verse I have just quoted :—*Proprie, Qui sufficiens, qui in se et à se sufficientiam et abundantiam omnimodam habet, ita ut nullius ope egeat, sed in se sufficiens sit ad opem conferendam, omnibus, ad protegendum, ad promissa servanda, et explendos defectus omnium. Lex. Heb. sub voce יְשׁוּ.* This is so plain that it needs no comment, and the reader will perceive it confirming what has been already advanced.

WITH respect to the angel's appearance to Hagar, it was probably on the account of her prayers for delivery from the cruelty attending her servitude ; but be that as it may,
when

when the angel addressed her he calls her Sarah's servant, and desires her to return to her mistress in that capacity, and to submit herself to her service : which is the duty of servants, agreeable to the New Testament, — “ servants, be subject to your masters, with all fear ; not only to the good and gentle, but also to the froward : ” (I. Peter ii. 18). There are no injunctions laid upon her considered as a wife, from which it is evident that she was not in that capacity. Then *possession of a woman's person, or a polygamous contract*, do not constitute marriage, agreeably to the primary obligations of it ; and that this is demonstrably true from the circumstance of her total dismissal afterwards, cannot be denied ; and the circumstance of this happening by the divine command does not invalidate, but confirm, what I have observed. I know that there is a promise made her to *multiply her seed exceedingly*, which was agreeable to the purpose of the Deity in peopling the world ; others, as the profligate Cain, were multiplied in the same way, which in the infancy of things, was a natural consequence ; but implied no approbation.

approbation of their conduct: so what I have observed, with respect to Hagar, cannot be a blessing on a polygamous contract; how it can appear so to any man that will think for himself coolly, I cannot conceive, —such an idea is consistent enough with a man who views every thing through the medium of his prejudices. This Egyptian was also told she should have בן—a son—but as this word is applied to the adulterous offspring of David and Bathsheba, I can only consider it as a term of relationship; and as this son could not inherit, which must have been otherwise had he been legitimate, it confirms me in my opinion that the word בן, in its general acceptation, no more implies a legitimate son—I mean one compleatly so—than אשה implies a legitimate wife. Certain it is, that Isaac was the legitimate son of Abraham, and of course inherited in preference to his brother Ishmael, which would have been contrary to all custom, Ishmael being the elder, had he been legitimate. And that the Deity approved the custom is evident, from his passing it afterwards into a law; the Deity is unchangeable, what he
once

once approves he must always approve ; therefore we can by no means conceive him acting inconsistently in this, or any thing else. The evident conclusion then is—that Ishmael was rejected on account of his being the offspring of a polygamous connection. After his rejection he lived by rapine in the wilderness ; and his posterity, to this day, infest Arabia, and its neighbourhood, with their incursions and robberies ; they live in a state of perpetual war, and their extirpation has often been unsuccessfully attempted :—Hence appears the truth of the prophecy, “ He will be a wild man ; his hand will be against every man, and every man’s hand against him.” Gen. xvi. 12.

ISAAC, most probably, taught by the evils that happened in his father’s house, was not polygamous. And I think it was the *deception* of the *idolatrous* Laban, and the *custom* of the country, that induced Jacob to take several women at once in a matrimonial way. It appears by the Bible, that Jacob served seven years for Rachel, instead of paying the dowry to her father, according to the custom

custom of those countries ; which service being ended, merely because it was the custom, Leah the eldest daughter is given to Jacob, without his perceiving it till the next morning :—which was practicable enough, if what history tells us be true, that it was the modest manner of those times to introduce the bride to the husband veiled; so if she did not unveil, or if it was done without lights, the deception was very easy. Jacob, thus disappointed of his choice, remonstrated strongly; but his father-in-law told him, “ it must not be so done in *our country* to give the younger before the first-born. Gen. xxix. 26. But to comfort him, told him he might have Rachel on the same terms—seven years servitude, in lieu of the dowry, and the observance of the marriage-feast : “ fulfil her week, and we will give thee “ this also, for the service which thou shalt “ serve with me yet seven other years.” ver. 27. Jacob complied with those terms on account of the love he had for Rachel. From this description of the matter, which is strictly conformable to the Bible; it clearly appears, that polygamy was rather the vice

of the country than of Jacob. The natural desire of children among the Hebrew women, or rather perhaps the desire of being the means of fulfilling the promise made to Abraham, in bringing forth the seed in which all the families of the earth were to be blessed, led Rachel and Leah to give their maids to their husband, in order, to have children by them. But all these things seem wholly the act of the parties, without any approbation of God. Though the wisdom of man thought his greatness and happiness might be promoted by the indulgence of this liberty, and though the end was desirable and good; yet God gave convincing proofs that he did not approve of the means, by making them productive of trouble, uneasiness, discord, and quarrels. Upon the whole it appears that polygamy was a *beatben custom*, was adopted by the Patriarchs merely as a custom, but for better purposes than among the Heathens; then I should suppose, that the plea of custom is not sufficient, especially when the motives are contemplated, and its repugnancy to the word of God. I know the Patriarchal

triarchal example * is said to be the strongest argument that can be brought in favour of polygamy, and I am inclined to believe so myself; but when we reflect upon the motives in themselves and consequences, it will be found no argument at all.

With respect to the conduct of those who were licentious and degenerated, that deserves no attention;—and with regard to Samuel the prophet, I can by no means think him the son of a polygamous contract: I know the contrary has been asserted by a writer, for a very interesting reason, who tearing through, and breaking down, all before him, like Kolben's Rhinoceros in pursuit of its prey, has stopped at nothing

* That *patriarchal example* is a very contemptible argument for the practice of polygamy, appears from Justin Martyr's dialogue with Trypho, in which he reprobates with the most pointed detestation; this practice, and severely censures the Jewish Rabbins for encouraging it under the pretended sanction of *patriarchal example*. Vid. Just. Dial. cum Tryph. pars secund. page 423. As this venerable Father flourished but half a century after the Apostles, his testimony is very important—indeed it cannot be considered as any thing less than *Apostolical tradition*.

to accomplish his ends. Dr. Delaney, a learned writer, in his historical account of the life of King David, has observed many things worthy of a profound genius, and which might have easily escaped men of less penetration. With respect to Samuel, he tells us, that he was descended from a distinguished family of the tribe of Levi, the Koathites, whose descendents were famous for their musical skill in the service of the temple, and thence probably taken for prophets:—and that it is also highly probable, that Elkanah the Levite, and father of Samuel, was accounted a prophet, for no better reason than his having been of the “city of Ramathaim Zophim,”—vol. I. page 13. ed. 8vo. And I cannot but think with him, that Elkanah was married to Hannah first—I mean, she was his first wife, which, upon the most minute enquiry, I find to be an opinion so well-founded, that nothing which has been said to the contrary, can induce me to give it up—who being barren, the Levite, carried away with that eager desire for issue, which for obvious reasons was very prevalent among the Jews, married

married Peninnah, who was prolific enough. As barrenness was rather disgraceful among those people, she took upon her to reproach Hannah publicly, who was so much affected by it, that she poured out her lamentations before the Lord, prayed most earnestly for a son, and vowed to dedicate him to God's service during his life. Her petition was heard, and Samuel was dedicated in a most solemn manner according to vow. He was early distinguished by *divine* and *human* favour, and after the extinction of the house of Eli, he succeeded to the supreme civil power, which was soon afterwards chiefly vested in a king; yet still part of his time was employed in the administration of public justice, and the other in one of the prophetic schools of Ramah, over which he presided. I will just observe here, for the benefit of those who may happen to be unacquainted with such matters, as I write for general instruction, that it was the province of the priests to teach the law in all its parts, and to decide controversies, and they had the Levites for their subalterns in office. The priests early shewing a fondness for, and pre-

ference of, the ceremonial law, the Prophets, a distinct order of men, were raised as a check upon them, and particularly as guardians of the spiritual part of the law. After having said thus much with no other view than a more general information, I have to observe, that the polygamy of Abraham, Jacob, and Elkanah, does not come so recommended, as to induce us to think it agreeable to the will of God, or any way worthy of our attention; and David's polygamy is exactly in the same predicament. With respect to this matter, I find my sentiments so well expressed by Dr. Delaney, that I shall beg leave to extract from him David's character, so far as polygamy is concerned.

“ WHEN this King married Abigail, in all probability he had at that time another wife, Abinoam of Jesreel, a city in the south of Judah, and neighbourhood of Carmel, to whom it is believed he was married before his affiance with Abigail. Polygamy was a practice prevalent in those ages, from a corrupt interpretation of Lev. xviii. 18, but with the good Dean's leave, I will suppose

pose it rather in consequence of Moses's connivance. But with respect to David, he "probably hoped to strengthen his interest in his own tribe by this double alliance, especially when he apprehended it must be considerably weakened in that of Benjamin, by Michal's being taken away from him, and bestowed upon Phaltiel the son of Laish, a Benjamite, (which Saul did, to take away all his pretensions to the crown from that alliance). Doubtless this injury which Saul did him would have been some excuse,—or, to speak more properly, a sufficient justification—for David's taking another, if he had stopped there, inasmuch as his own wife lived in adultery; and therefore might be divorced; but when once he married Abigail, he went on and married more;—for error knows no end." And in another part of his book he says: "I must beg leave to observe upon David's polygamy, once for all, that it appears to me to have proceeded, in the first place, from an eager and reasonable desire of issue; and in the next; from what might, in his circumstances, be deemed necessary policy. He had lived at least three

years with Michal, without having had any children by her ; and it is impossible to say whether he would not have done so his whole life long, had she not been cruelly forced from him, and given to another. It will not, I believe, be much doubted, that he was then at liberty to marry again ; and accordingly he married Abinoham, and having no child by her, he married Abigail. He had both these wives with him when he came to Hebron ; but had no child by either for at least five years. He well knew of what importance the increase of his family would be to his establishment upon the throne. It evidently appears, from 1 Sam. ch. xxiv. 20, that God had promised to establish him in the kingdom of Israel. Children were necessary to that end ; and the most probable means for obtaining this advantage, was by taking more wives ; and as these wives were well nigh as much interested in his establishment as himself, it is at least possible, (to say no more) that he took no subsequent wife, but with the consent of the precedent." And as polygamy was allowed, it seems David had recourse to it for fulfilling

fulfilling the divine promises.—“ God’s promises must be fulfilled, and there was not the least reason to hope they should be fulfilled through any of the wives he had hitherto taken. At the same time policy required him to strengthen his unsettled state by new alliances ; and how was this end so effectually to be attained, as by marrying into the families of greatest power and credit in his country, and out of it ?—This was, in all human probability, the most effectual (apparently the only) means of making his *house sure*.

“ THIS consideration takes David’s polygamy entirely out of the light of luxury and licentiousness, and places it in that of prudence,”—vol. II. page 79—81. And in the third volume he says: “ Polygamy, I humbly apprehend, was more the vice of the age, than of David ;” and adds, “ if we were to define and estimate this practice by the rules of reason, the natural evils, and ill consequences, which do and must await it, in the ordinary train of things, sufficiently demonstrate it to be destructive of the human
man

man felicity, and consequently vicious and unlawful," page 320. Indeed I cannot but think with this learned writer, that David himself "could not fail of being fully convinced of this truth from his own experience:—for what was the effect of his polygamy in his own house, and to himself?—incest, murder, rebellion!"

FROM this description of David's polygamy and its motives, though there appear some apologies for his conduct, yet there appears no warrant from his example to draw it into a precedent. As David is not a perfect character, he cannot be proposed for our imitation generally; but certainly we may receive much instruction from the history of his life. He is a mixed character—which I suppose is the common lot of humanity;—he stands convicted of adultery and murder; but certainly the good vastly preponderates. In general, he had a great zeal for goodness, and particularly for the service of God.—Hence probably he was denominated *a man after God's own heart*;—but to argue from this circumstance, or his delight and daily study

study in the law, that he was always finless in his morals, is contrary to the testimony of Holy Writ; and with respect to polygamy, these circumstances are no more a proof of its lawfulness, than they are of adultery and murder being so; and I can only say of those observations on Scripture that are designed to make them so, that they are very *filly*; but as they tend eventually to the corruption of the word of God, and to mislead mankind, they may be pronounced *wicked*. If this be true, it will hold equally, if we were to contemplate David in his prophetic capacity.. I have already said something with respect to the prophets of the Jews, to which I will add, on the authority of the Authors of the Antient Universal History, that they were an order of men trained in schools by a long course of study, discipline, and temperance;—they were preachers of spiritual righteousness—inveighed against the Israelitish fondness for the rituals of religion—evidenced their divine mission by miracles, and predictions of future events—and they often took upon them to reprove alike the enormities of
princes,

princes, priests, and people. And God, to manifest the wisdom and value of good discipline and institutions, most generally inspired those educated in the prophetic schools, or, as the Bible expresses it, the *sons of the prophets*:—but others, upon certain occasions, were inspired.

SOLOMON, David's immediate successor to the throne of Israel, and his son by Bathsheba, equalled only in the number of his wives and concubines by the emperors of China, and other voluptuous princes of the east, can, with respect to his example, have no weight with us; therefore I will decline saying any more about this luxurious and licentious prince, and with him quit all particular characters among the Jews.

From what I have said, it evidently appears; that there is an apology for the introduction of polygamy among the Jews, and the adoption of it by some characters of eminence; but that there is no warrant to make a precedent of this practice. The Jews were addicted to vices, and very great vices, which

which law could not restrain, is evident; of course, amongst them, many things were connived at,—which, as I suppose, proceeded from some almost invincible peculiarities of disposition:—hence, as Grotius justly remarks, *diffimulata quædam, aut etiam ipsis concessa*. De verit. Rel. Christ. Lib. II. sect. 12.—*certain things were overlooked, or even allowed them*. We may, indeed, like the pious sons of Noah, go backwards with reverence to throw a veil over the nakedness of the selected people of God, and, from certain circumstances, we may palliate offences; but we cannot, unless at the expence of the divine veracity, make them faultless, or patterns, in all their practices, of example. Many of the Jews, nay, even the first characters among them, were violators of the law;—their history is full of instances of this kind. They frequently abandoned the rites of their own religion for the impure, absurd, and barbarous ones of the heathen nations about them; but though particular persons were frequently hurried into disobedience to the law by their passions, and there were sometimes national deliberate violations

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lations of the law; yet still they recovered from their degeneracy, and returned to the acknowledgment and adoration of their true God, and they had again recourse to the law by which they reformed their actions. And this appears the most striking matter of fact, after their return from the Babylonish captivity; in which having suffered very much for their defections from God, they afterwards adhered more closely to their law than ever.

THIS more strict adherence to the law was brought about by the diligence of Nehemiah and Malachi the prophets, and Ezra the priest in particular, a great reformer, who set himself with true religious zeal to reform abuses, and to prevent the disorders introduced by licentious practices, and particularly with respect to the *marriage-ordinance*. It appears upon record, in the Bible, that they were ordered to put away their strange wives, the taking of which was expressly forbid by their law, but the practice was sanctioned by king Solomon, and even by some of their priests. At this period of reformation;
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it is highly probable, that polygamy, among other species of licentiousness, was prohibited, agreeable to the letter and spirit of the law : for I have read in more than one author of credit, that it was not practised after their return from the Babylonish captivity ; which I cannot attribute to any thing but Ezra's reform, which was general, and easily carried into execution from the humbled spirit of the people, deeply impressed with—not ideal, but *sensible feelings* of the terrible consequences of wilfully and deliberately offending God. But this was not merely a matter of expediency, from the then state of things, founded barely on human wisdom and political considerations ; but it had for its object the future security of the divine favour ; and consequently was such a reformation as was consonant to the law, but in direct opposition to some practices that had received a sanction from *custom*. Though this might not be the reason of Ezra and others reading the law publicly, which was matter of duty every seventh year, at the feast of Tabernacles ; yet, it is very probable, it was the reason why so much pains was

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was taken to make the people understand it. See Nehem. viii. 8. When the law was read, the true sense of it given, and the people made to know its real meaning, which was necessary to detect the corruptions of it—"all the people wept, when they heard the words of the law," Nehem. viii. 9.—they bewailed their ignorance and violations of it, under a deep sense of what had lately been the consequence. I cannot here but observe, that while the Jewish theocracy was administered by Moses and Joshua, and after them, by Judges, those were the purest ages in the Jewish History; but when the administration came into the hands of kings, the people became degenerate, and *great enormities*, which probably were productive of this degeneracy, had the sanction of *great examples*. The Jewish feasts, in remembrance of their delivery from Haman's tyranny, were real Bacchanalia, the men wore women's apparel, and the women men's, in direct opposition to the * law of God, which their riot and mirth led them to violate. But though the Jews are very far from being

* Deut. 22. 5.

cleared

cleared from all imputations of vice, yet they most certainly excelled other nations with respect to their piety and their laws. To instance one particular only:—It appears from authentic history, that the Jews were the only people who made a public national acknowledgment of *only one God*, and amongst whom his worship was established firmly, being a *fundamental law* of the state:—whereas among all other nations, and in all ages, previous to the Christian æra, *polytheism* and *idolatry* were universally prevalent. Even here we see a most valuable and happy effect of the Mosaic constitution—the preservation of the knowledge of the true God, his unity, and worship, which are objects of the first importance to religion and mankind. But if we read the monuments that still remain of Heathen antiquity, and contemplate both systems and practices, upon a comparison, we shall find an astonishing difference in favour of the Jews. Even if we were to confine ourselves to Greece and Rome, we shall find an inferiority with respect to the knowledge and worship of the one true God, and generally

rally speaking, with respect to morals also—a striking proof of the necessity and benefit of *Revelation*—and that it is superior to the wisest human legislation and systems of philosophy.

BUT still I contend, that although the Jews were deservedly, both in themselves and their great progenitor, Abraham, the peculiar people of God, being superior to the rest of the world in religious worth; yet, as they had many vices, which might be rather excusable in those unenlightened times, they cannot be proposed to us as examples, with respect to their customs, and particularly so when those customs are repugnant to the divine law, as is the case with polygamy.

IF we were to establish any rules of life from the conduct of others, we ought most certainly to look up to the best characters. Adam, Noah, Isaac, and Joseph, were not polygamous; and as to their respectability, no one can object:—perhaps Joseph, considered as a character, is the first in virtuous
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and religious eminence in all Jewish antiquity ; therefore, if the conduct of the best men were to direct, we must conclude against a plurality of wives at once ; and we shall be the more inclined to this, if we do not forget the motives that induced Abraham, Jacob, and David, to the contrary practice ; and also, that no such reasons can occur now, any more than reasons can occur for reviving that * law of the Jews, which disabled them from marrying out of their own particular tribe, which was calculated to keep up the grand distinction among the twelve tribes, especially that of Judah, from whence Christ was to come. Indeed, I do not perceive that polygamy, in our times, can owe its encouragement to any thing but *wanton licentiousness* ; therefore must set it down in the number of things that are *sinful*.

* Numb. xxxvi. 8, 9.

C H A P. V.

POLYGAMY contrary to REASON and
COMMON-SENSE.

IF the observations already made in a former chapter concerning Nature and its dictates, have in them any verisimilitude, and if the conclusions drawn from them were pertinent, we must decide in behalf of the question from the united testimony of *Reason* and *Common-sense*; since they are in an undebased condition in unison with nature:—the voice of one is the voice of all:—they can no more, in a state of originality or due improvement, incline the human mind to contradictory actions, or different moral systems, than they can incline it uniformly to evil. Thus I think of the *attributes* of man, and in thinking thus I adore their author. What those attributes of human nature are—acting uniformly with it, and assisting all its operations, has in some measure been described already, and the description will not, I suppose, be much opposed—I have considered a
state

state of nature to be society, and therein primitive simplicity of manners. Common-sense I have taken to be certain perceptions and ideas founded on the eternal reason and difference of things—a consciousness of right and wrong:—and Reason I have made a thinking, reflection on, and comparison of, those ideas, particularly when complex, to discover moral truths. But *where* Reason and Common-sense are to be found, is a question that may not be so easily decided:—some moral conditions of mankind are so debased, that the last spark of them is almost extinguished, whilst that of others has happily preserved them almost genuine and unadulterated.

SOME speculative writers, unwilling to be informed by the history of mankind, (whence only authentic materials can be collected) and led on by fancy and imagination to substitute hypothesis for reality, in their attempts to analyze sentiments, and to distinguish, in the human character, its original qualities, and also to mark the limits of what they call nature and art—or what is original, from that

which is adventitious—have produced nothing but fruitless enquiries, wild suppositions, and unsupported conjectures. In this wide field of fanciful notions they have been totally bewildered; and yet we are apt to be the dupes of a subtilty, which amuses us with specious promises of improving our knowledge, by exhibiting a model of nature in its original state. That society is a state of nature, the history of our species plainly tells us—nay, we feel the truth of it in our own propensities. Art and invention are also *natural*;—they are seen in the condition of the savage as well as that of the citizen; and yet human reasoners distinguish them from, and even oppose them to, nature; though there are no traces of the human story when these did not exist; which seems to intimate that they, as well as society, are as old—I mean in their principles, as mankind. As a writer of no mean ability asserts, “the highest refinements of political
“ and moral apprehension, are not more arti-
“ ficial in their kind, than the first opera-
“ tion of sentiment and reason;”*—indeed

* Ferguson’s Hist. of Civil Society, Part I. Sect. 1.
the

the latest efforts, in the way of invention, are but a happy continuation of what was begun in the earliest and rudest state of mankind. And I am fully of opinion, that were a colony of children transplanted from the nursery, with the same physical, mental, moral, and social powers, that are common to mankind, untaught and undisciplined, left to form a society, without any communications with the rest of mankind, the very same things would be transacted that are already recorded in the history of mankind. The human race at first were exactly in this predicament. Who taught them the arts and sciences?—Whose example and instruction did the first artist follow?—Who suggested the necessity of education, before it was put in practice?—Who harangued on the benefits of society, before men lived in societies?—That man is an inventive, disciplined, and social being in various gradations, must be referred to the progressive operations of physical powers:—a contemplation of those powers, in themselves and consequences, would point out the origin and progress of the arts and sciences—or, in

other words, the whole of human knowledge in that way. And, was it not foreign to my purpose, I might fully shew that those powers, acting with and combined to salutary purposes, constitute such proofs of design, that hence we infer the existence of a God : But not being any way engaged by the object for which I write, to dispute about the source of existence, I shall quit that matter, to prove that the God of nature, in his positive laws, enacted what is the genuine language of nature, reason, and common-sense unde-generated ; but to make positive laws, which are not local or temporary, in opposition to the physical powers of nature, is a mere solecism in philosophy.

IF we attend to our species in society, where particulars are easily collected, and vouched by the best authority, we shall be furnished, in the course of our enquiries, with a collection of facts, which will lead us to the most important knowledge, and will supply *data* for determining the consequence of physical powers with respect to the purposes of life. But if we leave this
certain

certain mode of information respecting man, for wild conjectures about an imaginary state of nature, we shall always remain in ignorance and doubt. What has led men into strange speculation, with regard to the original situation of their species, cannot be accounted for in any other way, than by supposing the different conditions of mankind, which are progressive, to have given rise to it. Probably the lowest conditions have been most attended to ; and supposing these improving from particular observations and experiments :—they have supposed further, that nature itself has undergone changes from certain adventitious circumstances, and that the primitive model is only retained in some of those animals whose shape has the greatest resemblance to ours :—Conclusions as weak as they are ignorant !—In the description of a man, it is as necessary to retain his disposition to friendship, and consequently society, the use of the tongue and reason, as the erect position of his body. Indeed the most early and latest accounts from every quarter of the globe, represent mankind as collected in bodies, therefore I
am

want and wretchedness ;—or, from the vicious habits that mature from growing luxury and licentiousness. Certain it is, that all degeneracy, whatever be the cause, may be productive of a moral condition equally remote from this perfect social state of nature. In early times, it is probable that it did not fall to the lot of the majority of mankind ; and therefore cannot be determined by their moral conduct, any more than a just determined idea can be fixed to common-sense from the opinions of the then bulk of mankind.

If then reason and common sense, as connected with human nature, and essential to it, are not banished by society and its concomitant civil establishments ; but perverted only by the degraded state of barbarism, or the vicious refinements of polished nations ; then we must look for them in civilization between these two extremes, where native simplicity of manners is most prevalent.

I THINK we may set it down, as a matter of certainty, that the greater part of Christendom

tendom may be ranked here. That christians are, and always have been, defective in reason and common sense, so far as relates to marriage, is a position equally inadmissible, as that they are mistaken with respect to the evidences of their faith. The *universal consent*, in favour of the union of the *two only*, in all ages of christianity, intimates that *monogamy* is not contrary to the dictates of the best conceptions of the human understanding, or the best movements of the heart. To this form of marriage all christians—excepting a very few Hereticks, have always uniformly adhered ; and as to their difference in the mode of celebration, that alters not the matter immediately under consideration. Monogamy is a rational practice, and consistent with common sense, whether carried into execution by the marriage ceremonies of Great-Britain, the nations of the South Sea, or the Cape of Good-Hope.

HERE also, I might pertinently introduce the antient Greeks and Romans, famous for their reason and good sense, who were monogamous, with a vast number of enlightened

ened individuals, who rationally condemned and abhorred the practice of polygamy, in countries even where it had the sanction of custom and law :—but I pass rapidly over these matters, and a thousand other corroborating circumstances, that might be adduced, merely because I would not lay too much stress upon them. Not but they might be made very formidable, by calling in the aid of logic ; but I have always disdained exaggerating any circumstances, however favourable to my cause : my only wish is to represent things as they are, and to leave my readers to judge for themselves.—In consequence thereof, I have presented the world with a *plain* collection of facts, unrecommended by argument or persuasion, very different indeed from that *sophisticated stuff* to which they are opposed.

IN this chapter, the testimony of many sensible writers, deserves to be attended to and brought forward ; but were all to be noticed that even deserve it, a volume must be assigned for that purpose, which I can by no means think of. I feel myself however,
called

called upon to adduce some evidence from this quarter, and am not a little distressed how to choose out of the abundance that offers. I shall attend to but little, and that chiefly of the antients, because I do not look upon this sort of evidence as decisive in itself.

HERMIONE, though taken-in over Andromache's head, is introduced by Euripides saying—Οὐδὲ γὰρ καλόν

Δυσὲν γυναικεῖν ἀνδρὶ ἡνίας ἔχειν. Eurip. And. v. 177.—

It is not good for a husband to have rule over two wives. And further in the book we find it asserted

Οὐ' δὲ πότε' ἄν διδυμα
 Λίλῃ ἐπαινίσω Βροτῶν,
 Οὐδ' ἀμφιμάτορας κόρυς,
 Ἔρην μὲν οἴκων,
 Δυσμενῆς τὲ λύπας
 Τὴν μίαν μοισεργέτω πόσις γάμοις
 Ἀκοινώηλον ἔναι ἀνδρός. v. 464, &c.

——“ Ne'er will I commend

“ More beds, more wives than one; nor
 “ children curs'd

“ With

“ With *double mothers*, banes and plagues of
“ life.

“ Let each good man possess his single bride,
“ And check the intrusion of a rival dame.”

To leave the good sense of Athens for that
of Rome——

——Connubia mille

Non illis generis nexus, non pignora curæ
Sed numero languet pietas.—*Claudian de bello Gildon*.—“ In many matrimonial
“ connections there are no ties of rela-
“ tionship, nor pledges of care ; but affec-
“ tion grows languid by the number.” And Sallust observes, Verum ea necessitudo apud Numidas, Maurosque, levis ducitur ; quia singuli pro opibus, quisque quam plurimas uxores, denas alii, alii plures habent, sed reges eo amplius. Ita animus multitudine distrahitur, nullam pro socia obtinet, pariter omnes viles sunt.—Sall. de Bell. Jugurth. Cap. 82. “ But the tie of affinity is lightly esteemed amongst the Numidians and Moors ; because amongst them every one may have as many wives as his wealth will admit of, and accordingly some have ten, o-
thers

thers more, but the kings still more. Thus the mind is divided by the number, none is taken for an associate, but they are all treated with contempt alike." With respect to writers since the christian æra, they have all, excepting a very few, given their suffrages, as reason and common sense directed them, against polygamy. Here indeed we have the most conclusive evidence that human testimony can afford. And as I have always been equally unwilling to be misled myself as to mislead others, I have taken no small pains to inform myself on this subject. I have had access to public and private libraries, for this purpose: and am not a little obliged to many; but I owe my acknowledgments in a particular manner, to the politeness of one gentleman in this † county; and to whom also society is much obliged for his strenuous opposition to the repeal of Stat. 26 Geo. II. ch. 33. commonly called the *marriage act*. But though in consequence of my researches I found human testimony on my side, yet I by no means wish even to attempt to put more value upon this sort of

† Hampshire.

evidence,

evidence, than it deserves; nor will I say any thing with respect to the comparative merit of authors, or magnify authorities:— I know that truth is equally valuable, whether spoken by the Archbishop of Canterbury, or the humble Rector of Colemere. In reality, what gives value to human testimony, is its conformity to the *divine law*;—indeed, the sentiments of Christian writers in general, with respect to marriage, are consonant to this law; for, as Gronovius observes, in his Comment on Grotius de Jure, polygamy is forbidden *lege Christi*— *by the law of Christ*:—and this is the sense of the passage commented upon:—“ Ex Christi lege irritum est conjugium eum eo qui maritus sit alterius mulieris, ob jus illud quod Christus feminae pudicitiam servanti dedit in maritum.”—“ By the law of Christ
 “ a marriage is null and void with him, who
 “ is the husband of another woman, because
 “ of that right which Christ gave to the wo-
 “ man to preserve her chastity over her hus-
 “ band.”

C H A P. VI.

POLYGAMY a CIVIL INCONVENIENCE.

AS Polygamy is prohibited by the *divine law*, so it is also by the policy of all prudent nations; undoubtedly besides other reasons, because it is, as Judge Blackstone observes, “so great a violation of the public œconomy and decency of a well-ordered state.” Comment. b. iv. c. 13.—From what has been already observed, I may assert that our municipal law, with respect to marriage, is grounded on *natural law*, and does not create, but only enforce, disabilities. In regard to a man’s having a plurality of wives at once in particular, I may safely say the law of God has expressly forbid the banns, and society and government have seconded this, which is highly necessary in the present corrupt state of things, by civil disabilities intended to operate as most effectual preventives:—of course they are such that they make the contract void *ab initio*,—they
do

do not dissolve a contract already made, but they render the parties incapable of forming a contract at all; and consequently, if under the legal incapacity of a prior marriage undissolved, any two come together, it is not considered by our laws as a matrimonial, but merely a *meretricious union*. All christian states have adopted this policy, either because consonant to the law of God, or calculated for the good of society—or both. And the canonical disabilities concur, which are grounded on the express word of God, or plainly deducible from it:—if so, then it must be *sinful* for any, thus previously incapacitated, to attempt to contract matrimony. Indeed, if we look back into the political history of antient nations, and that of the Orientals in particular, we shall find, that, excepting a few, where the gratification of the most shameful lust had the sanction of religion, the rest unanimously prohibited polygamy *by law*;—but practice was different, which inconsistency cannot be accounted for, but by supposing growing luxury and licentiousness to have had such influence over the minds of men, as to lead them to every

Our laws make it felony, within Benefit of Clergy, because of the civil mischiefs it is productive of, leaving, as I suppose, the idea of a *moral offence* to that jurisdiction, the restrictions and punishments of which are more immediately intended *pro salute animæ*. I ought not, however, to forget to acquaint my readers, that polygamy is the law of the Alcoran, and consequently the practice of Mahometans; and they have my permission to attend to this circumstance as much as it deserves. I have only to observe, that a certain Reverend Gentleman deserves well of the *disciples* of Mahomet, for his strenuous support of their marriage institution; and probably if he was to settle among them in a civil capacity—for I think any other too narrow for his great abilities—he might be fortunate enough to rise to the honour of a three-tailed Vizier.

FROM these, and the preceding observations, made on the origin, progress, and support of polygamy, it seems to be too contemptible to be recommended to statesmen; and moreover as in civil society it is so mis-

chievous in its effects, it demands the coercion of the magistrates. It is in a state, as in a well-governed family, the members of each are bound to conform their general behaviour to the rules of propriety and decency, and to be inoffensive in their respective stations. Commonwealths are made up of families, and any disorders in the lesser societies affect the greater. If we wish for public and private happiness, we must avoid offences against the *due regulation* and *domestic order* of the kingdom. Then, if a plurality of wives affect the *public œconomy*, as it certainly does, it ought to be prohibited by the laws of all well-ordered governments for that very reason.

WHEN men are either permitted, or encouraged, to take as many wives as they please, the reciprocal rights of husband and wife must eventually be violated, and all, or the far greater part, of the duties of this private but near relation of persons, must be interrupted or wholly neglected. The polygamist, unstudious of any of the arts to please, nay, totally regardless of acquiring

ing or practising those amiable virtues which render domestic life happy, soon finds pretences to make new acquisitions of female property :—studied licentiousness, ingenious luxury, and wanton enjoyment, seem the only objects of his pursuit ; by which means marriage, instead of restraining, *promotes illicit desire*, and under a legal name becomes the *vilest prostitution* :—nor can it, under these circumstances, fail of having the most pernicious effects, not only in families, but in the community at large ; but by the most rigid morals, or depriving women of that rank in society, which God and nature designed them. I do not say that these would prevent the evils, for such an assertion would be false ; because experience teaches that they would only operate as palliatives.—What has been, and always will be, the effects of polygamy, we may read in the history of Persia. “ The Persian court was at that period (Hamza’s time) the theatre of unpunished incest, lust, and murder : the sovereign was despotic, and the people, the greatest equally as the meanest subjects, the most object of slaves ; so that nothing was more

common than for the wives of the most considerable noblemen there, to prostitute themselves, with the knowledge and consent of their husbands, to the reigning prince. Fratricide, however shocking it is in all senses, was, though not the least, the most excusable of the crimes of their monarchs ; for their sons, being begotten upon different mothers, who mortally hated each other, and instilled the same sentiments into their children, did not think themselves relations in blood, so much as rivals in interest, and with their first milk they sucked in a detestation of one another. Such are the dreadful effects of polygamy in an arbitrary country ; and from that source most of the evils have proceeded which shock humanity to read."—Guthrie's Gen. Hist. of the World, vol. VIII, p. 3, octavo edit.

It is confirmed by all experience that polygamous contracts are totally destructive of domestic happiness ; and jealousies, animosities, and the implacable hatred hereby excited between mothers, and eventually between their children, which, if they do not
break

break out into crimes quite intolerable to society, have such malignant influence, that the duties of *relationship* are disregarded, and in this state of things, order and *filial subordination* cannot exist ; the first principles of civil society, which appear to me to be, in some measure, founded on parental authority originally, are stabbed in the very vitals.—There must also be an end of all *family attachment* and the ties of benevolence : how then can we expect mankind to be united by the most endearing of all ties, that of benevolence, when their primary objects cannot secure them ?—Hence in the world we must look for misanthropy and all its horrid consequences. In reality all authority must be hereby shook to the very foundation, which, with respect to nations, in all human probability, will end in some kind of revolutions, but most probably in the establishment of despotism. To the increase of those private and public evils, the partiality of the polygamist to one particular wife and her offspring, which it is impossible to avoid, contributes not a little. From this partiality, while some are suitably educated, o-
there

thers have no education at all; but like their mothers, rejected and despised, they are condemned to the most servile offices, and doomed to ignorance and wretchedness, without any prospect of attaining that rank in life, which otherwise they might, merely because not favourites. How much this likely to affect the integrity of mankind, and to put society upon a wrong basis, cannot but be evident even to the most careless observer,

THE scheme of a plurality of wives at once, which is nothing but a *scheme of debauchery*, would revive the old plan of distrust and confinement, inefficacious as to the object of it, and finally tending to debase the minds and morals of mankind. Moore, who has a right view of this matter, has expressed my sentiments much better than I can do in any words of my own; therefore I shall take the liberty to quote him, “ The old plan of distrust and confinement, without even securing what was it’s object, must have had a strong tendency to debase the minds of both the husband and the wife; for what
man

man whose mind was not perfectly abject, could have pleasure in the society of a wife, who, to his own conviction, languished to be in the arms of another man?—Of all the humble employments that ever the wretched sons of Adam submitted to, surely that of watching a wife from morning till night and all night too, is the most perfectly humiliating.”—View of Society, &c, Let. XXI.

As the licentious great would multiply wives in proportion to their wealth, their power, and their influence, wretched would be the situation of those females to whom nature has been kind by dealing out charms in profusion ; doomed to become the *hapless victims* of pride, lust, oppression ; forced against their inclinations by the commands of their superiors, and detained by locks and bolts ; they would be the first objects, in a christian country, of that horrid plan of *rape* and most *abominable debauchery*, which disgrace the commerce of the sexes in Mahometan countries :

Where

412 T H O U G H T S O N

Where each fair neck the yoke of slavery
galls,

Clos'd in a proud *seraglio's* gloomy walls ;
And taught, that levell'd with the brutal
kind,

Nor sense, nor souls, to women are assigned.

DUNCOMBE—*Feminiad*, p. 8.

Who, that is not lost to the feelings of humanity, would not oppose a system big with so many evils, and indeed the source of most. Let the heart, that never knew one generous movement, equally a stranger to the tender feelings of undivided love, as to the ideas of modesty and delicacy, influence men to contend for polygamy and its inseparable concomitant, tyrannical sway over the weaker sex ; but despised be they by society, and banished for ever the fair circles of our amiable countrywomen, with whose happiness they have sported. Certain it is, that the Mahometan institution of marriage, for which the author of *Thelyphthora* so strenuously contends, would put an end to matrimonial endearments, and wives would be nothing but the *slaves of prostitution*. This
has

has uniformly been the case, and it is not to be doubted, would be the case in this country. But this *impolitic* and *unscriptural* institution would not only enslave wives, but certainly would be productive of *general slavery*. If I mistake not despotism is originally founded upon mere superiority of force; and it is rational to suppose, that when mankind cease to be softened in their morals by that politeness, which is the consequence of a free intercourse between the two sexes, they will become gradually more and more barbarous, and revert to this mode of government, unworthy of an enlightened age. The rank assigned to women in *domestic society* has very great influence upon the civilization, politics, and morals of nations, as has been observed and authenticated by all intelligent voyagers and travellers.— Dr. Forster observes, “ the more debased the situation of a nation is, and of course the more remote from civilization, the more harshly we found the women treated.” In nations where the women are esteemed as they ought to be, and enjoy an equality of rights with the men, that harshness of manners

ners is taken off, which is habitual among barbarous people. And as manners are softened, people are proportionately more capable of tender feelings and mutual attachments. Those that contend so rigidly for the abject inferiority of the women, do not seem to recollect, that what they want in bodily strength, they make up by that of the mind :—the greater delicacy of their bodily frame, and the finer texture of their nerves, put them in a capacity, if they chuse to try the experiment, of improving and perfecting their intellectual faculties to a greater degree than men. As their nerves are finer than ours, the impressions upon their senses are more rapid and more vivid :—hence they are quicker in observing the relations and properties of things ; their memories are more retentive, and consequently they are more enabled to abstract general ideas from their perceptions. The men, on account of the superiority of their bodily strength, seem better qualified for the active and toilsome scenes of life. Among rude nations, this has sometimes been made the foundation of oppression ; and, probably, for the same
very

very interesting reason, the same antiquated and absurd ideas might be revived; but in this enlightened age, and in the present state of things, and of marriage in particular, I cannot even suppose such a change of notions. “ But I readily quit a subject about which I am not much conversant, and still less engaged by the object for which I write.”

CERTAINLY in a scheme, which can be in no degree even tolerable without rigidly maintaining the inferiority of women, which must eventually make them the most abject servants of their *surly lords*, their mere drudges, compelled to perform every laborious part of domestic business, without any will of their own, and considered as beings only calculated for the gratification of *brutal appetite*:—certainly, I say, this must tend to reduce men to a degenerated and barbarous state, and must be also particularly favourable to absolute power. Were not men more highly civilized by the delicacy and softness of the other sex, in consequence of a free intercourse between them, their manners would degenerate into a coarseness and indelicacy,

delicacy, which are characteristic of uncultivated minds. All history proves the truth of what I assert here :—antiquity teaches us in every page, that where men have been debarred from a free conversation with the other more amiable sex,—there, boorish in their manners, and unamiable in their general character, political and moral, they have degenerated in their condition, and *slavery* has been the consequence,—or a forlorn wretchedness.

WHAT I have been inveighing against, contributes to *rivet*, as well as to form, the *chains of despotism*. In the Asiatic governments, which are the most despotic, the women are treated as the most abject slaves, shut up in a seraglio, and guarded like prisoners,—a common consequence of polygamy. But if the women were set at liberty in the regions of the East, and each woman matrimonially connected with the man of her choice, according to the original institution, I have no doubt but that the allurements of the fair sex, would new-model the morals of those countries, and consequently
their

their government, which probably would be amended to the form of an European monarchy:—at present the superstition of those people seem strongly to oppose such exalted views. That the confinement, or rather imprisonment, of the women, is a principal cause of the abandoned disposition that prevails in the East, is evident from this circumstance:—that among the European states, those people enjoy the greatest civil and religious liberty, where the women are under the least restraint. Hence we find the Spanish monarchy more despotic than that of France. In Spain, where that gloomy dæmon, JEALOUSY, influences the bosoms of individuals, the Duennas are nearly as vigilant as the unuchs of Asia: but in France the case is very different, where the women are indulged with great liberty, and where liberty would prevail universally, was it not restrained by the shackles of a bigotted religion. In contending for a free intercourse between the sexes, which is highly expedient in the present state of things, I wish, however, to exclude all vicious levity, and am only an advocate for every innocent liber-

ty, which in some measure constitutes the supremest pleasure of social intercourse. I know the constitution of man is such, that he must be unhappy without some employment to fix, and also some amusement to dissipate his thoughts; therefore I am for allowing all the *innocent pleasures* of society, and in doing this I consult his happiness.

ANOTHER appendage to polygamy is *polygyny*, which is customary among the African nations, and leads to the greatest debauchery, and all the horrid consequences of seduction, attended with dereliction. Ogilby, in his history of Asia, page 49, observes, that "the Persians exceed most countries in wantonness and venereal exercises; for, besides their great number of wives, they are very much inclined to variety of women, and in all their cities, except Ardebil, are kept public Brothel-houses, under the protection of the magistrates." And the same author intimates, that so abandoned are those polygamists, that the master of a feast thinks it as necessary to provide *women* to accommodate his visitants, as liquor. At a feast, the men
retire

retire into a private chamber with these wanton females, and return without the least bashfulness :—such are the effects of *custom* over degenerated minds, and thus does polygamy tend to make the *commerce* of the *sexes* a mere *debauch*. In consequence of this profligacy, which entirely owes its origin to the introduction of polygamous contracts, their marriages are only “ a play of *fast* and *loose* ;” they turn off their wives “ when they please, and are still for variety ; and this liberty they take the rather, because Mahomet, in his *Alcoran*, allows polygamy.” Id. page 54.— Besides, they acquire other companions to their bed by *hire*, and slaves by *purchase*, page 57. This infamous and iniquitous commerce, consequent on the desires of nature being unrestrained and abused, where there appears nothing of the rational man, but much of a *beastly passion*, is a true picture of what must be the consequence of taking many wives at once. If it be allowed good philosophy, that the same causes must produce the same effects, then we may set down this practice, not as restraining, but as vastly promoting prostitution and its consequence,

female ruin:—Prostitution, big with the most horrid mischiefs to individuals, is inimical to society and government.—“ There are,” says Baron Montesquieu, “ so many evils attending the loss of virtue in a woman, the whole soul is so degraded by it, and so many other faults follow upon it, that, in a popular state, *public incontinence* may be regarded as the greatest of misfortunes.” But how ridiculous is it seriously to contend for the adoption of a scheme, by way of prevention and remedy, which must, in the course of things, be productive of all the evils intended to be remedied, and many additional ones !

IN polygamy, conjugal faith is not reciprocal—a condition essentially necessary to every covenant, and particularly so to that of marriage, the *most sacred* of any. Without this requisite, the reciprocal duties of husband and wife are insecure ; and though this is a private relation, yet it is the source of all relationship and benevolence ; and if we neglect the security of its several duties, we neglect eventually the security of the public good, which depends more on *domestic order,*

order than the regulations of statesmen. In contracts the obligations must be *mutual*;—both must be bound, or neither;—but in polygamous contracts the obligations are not mutual;—therefore both are not equally bound, and this defect cannot but be highly injurious to civil society, which is very materially concerned with respect to the obligations and observance of covenants. The idea of jointenancy has been suggested by way of answer to this sort of objection; of which I have only to say, that it will not hold, and that the considering women as mere *private property*, destined only to gratify *brutal appetite*, has been productive of that oppression and wretchedness, which have been the lot of the sex under the Mahometan institution of marriage.

In regard to population, an object worth the attention of statesmen, and as such noticed here, *monogamy* is certainly most favourable to that, as has been satisfactorily proved by many ingenious and sensible reasoners; and indeed it must be so from a *physical* necessity. Where the proportion of

E e 3 men

men to women are nearly equal, there is no doubt but it accelerates most the increase of mankind; for by many connexions men are not only debilitated, but also exhausted of the principles of generation. Besides, where there is an equality of males and females, if some men take several wives, others must go without, and so one end of their creation would be frustrated. I have not the least doubt, that eight women with each a husband, would have more children than if two husbands only were assigned them; that is, each husband to have four wives. Indeed I have never yet heard any position of this kind controverted even by the most strenuous advocates for a plurality of wives:—in reality, it is too notoriously true to admit of any fair opposition; therefore I conclude, that as the proportion of women to men is nearly equal in this kingdom, as has been often proved by the most accurate calculations, that *monogamy*, under the idea of accelerating population, ought to obtain in this country. For though I am confident that we have many peculiar advantages arising from our insular situation, and the sinuosity
of

of our coasts, yet the increase of our numbers is too important an object to be neglected; and therefore I cannot but adopt a maxim worthy of statesmen, that the numbers of the people are *the riches of the state*, if they are industrious. By the increase of the numbers of mankind, and the promotion of industry, new channels are opened for wealth, and nations are raised from insignificance to importance. And in this great commercial country, the attending to these things is highly necessary, particularly so, indeed when we reflect on the envy of our neighbours, their wishes to humble us, and the formidable attempts that are now making for that very purpose. But if any should ask my opinion with respect to the increase of the numbers of mankind, I should give it for monogamy under a favourable policy, the promotion of industry, the preservation of the national virtues, and would recommend to trust the rest to nature. It is not by premiums to marriage, allurements to the settlement of foreigners, or the detention of the natives at home, that mankind are encreased:—give them liberty and personal

security—ensure them the fruits of their labour, their trade, or commerce, and even where there is no great facility of procuring subsistence, a foundation is laid in a state, on which nature has secured the increase of its members. If the freedom of mankind and their happiness are not attended to, other aids to population will be quite ineffectual ; but if they are, such tempting situations will be soon peopled up to the measure of the *means of subsistence*. But if, as an ingenious writer remarks, “ we oppress or degrade mankind with one hand, it is vain, like Octavius, to hold out in the other the baits of marriage, or the whip to barrenness. It is vain to invite new inhabitants from abroad, while those we already possess are made to hold their tenure with uncertainty, and to tremble, not only under the prospect of a numerous family, but even under that of a precarious and doubtful subsistence for themselves.” Ferguson’s History of Civil Society, p. III. sect. 4.—But at the same time that we turn our attention to the numbers and wealth of a people, we should not forget what is the most important to human society, the
preservation

preservation of *national virtues*. If these are not attended to, projects of mighty settlement, and sudden population, instead of being productive of national safety, will only hurry mankind into scenes, where, exposed to corruption, without virtue, they will be subject to it, and, in the end, to oppression and ruin. If the *prevention of corruption* is not made an object of the state, schemes of population, of commerce, and of wealth, are inefficacious to attain national security, or national safety. History is replete with instances of the corrupted slavish many being subjugated by the *virtuous few*. In a decaying state, whatever other means we make use of, we do but tamper with palliatives, except an ultimate remedy is provided against *corruption*—the root of the evil.—Having given this important caution, I will return to the subject more immediately under discussion.

THE growing despotism of Europe, unfavourable to the increase of mankind, may make many leave it for situations more alluring. In regard to ourselves, a load of taxes,
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(tho' under a happy political establishment) which affects much the necessaries of life, and makes them scarcely to be procured in a quantity sufficient for their support, by the lower orders of men—those industrious and useful members of the community; and the engrossing of farms—an almost intolerant evil—are circumstances unpromising with respect to the increase of our numbers. What a happy situation for mankind, when “each man has his house and his field to himself!”—We may say of it, as Hume did of a similar situation, “how favourable to industry and agriculture, to *marriage*, and to population.” Besides, the *necessary of life* is a vague and relative term:—it is one thing with the savage, and another with the citizen, and it varies with the different conditions of the latter, as well as the former. The increase of the plantain and cocoa of the one, and of the trade, commerce, and wealth of the other, make it different. With us, by the increase of wealth, and its concomitant, ingenious luxury, which has made our imaginary wants as clamorous as the natural, it is difficult to be ascertained. But I have said enough

enough on a subject that has been already discussed by able writers :—to which I will take the liberty to add, that as all wise policy abhors celibacy, as repugnant to the intentions of God and nature, I am not a little surprised, that, while the minister is distressed for an object of taxation, the batchelors in the kingdom, who are numerous, and pass their time in luxurious ease, should escape his attention.

IN a country where there is not a facility of procuring subsistence, I am apprehensive, the liberty of a multiplication of wives, prompted by lust, and unrestrained, would be very inconvenient, not only to families, but to the community at large. In warm climes, where little cloathing is required, and where fruits, and other things, which afford maintenance and support to mankind, are spontaneously produced, there will be little care or concern about the consequences of marriage. But in this country, where every thing must be produced by the aids of labour and industry, the case is very different. Imprudence, with respect to marriage,

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a plurality of wives was not any inconvenience or incumbrance, on account of the fertility of the soil of their country, and their simple way of living. But if they found their wives inconvenient or disagreeable, Moses had provided them a remedy by divorce for the most trivial reasons ; which is, I suppose, a necessary adjunct to the scheme of polygamy. I am led to make this observation from the united testimony of history. All history is uniform in attesting, that every state which allowed a plurality of wives at once, allowed also a facility of matrimonial separations : hence it seems as if they were necessarily connected. This impolitic indulgence cannot but be injurious to society : indeed, when once the progress of ingenious luxury has vitiated the taste of mankind, it will be found the *source* of the worst corruptions, as it was among the antient Romans. As this is repugnant to the well-being of society, so it is also to the divine law ; which regards with “ such mysterious reverence” the nuptial tie, that it will not have it unloosed for any supervenient cause
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But at the same time that I view, with detestation, this practice, and all its horrid appendages, I cannot but declare my abhorrence of *seducing* and *abandoning* innocent females, which have been productive of such effects as shock humanity to relate. From a scheme of seduction, which many, from whom one might expect better things, have come into, a train of evils have infested society. *Polygyny*,* considered simply in itself, unconnected with its consequences, more detestable than polygamy, because a scheme of total irresponsibility of the man to the woman, prevails vastly among us, and deserves reprehension. The latter first gave rise to the former ;—for after men were allowed to take women with few obligations, they soon proceeded to take them without any at all, and to abandon them at pleasure ; which must always be the case, when the obligations of marriage are weakened or dispensed with. Horrid are the consequences

* Polygyny, derived from πολυς, *multus*, and γυν, *mulier*, imports the having many women without obligation or responsibility. Polygamy, from πολυς, *multus*, and γαμος, *nuptia*, implies having many wives at once.

of seduction!—Hence this monster, prostitution, with giant-strides, proceeds to *depopulate* the land. The Roman fabulous history informs me, that the Cretan monster was satisfied yearly with devouring seven youths; but not ten times seven, nor a hundred times seven seduced women, can satisfy this monster. Hear this, ye abandoned sons of Adam, and shudder!—thousands of beautiful, and once modest females (and still might have been so, had it not been for the arts of those, who, instead of being *protectors*, become *betrayers*) are yearly sacrificed at the shrine of prostitution?—The author of *Thelyphthora*, so far as he had an intention of remedying this, had an intention that was *benevolent*. He has represented the consequences of prostitution so masterly and so justly, that I will lay it before my readers, notwithstanding I differ with him as to the mode of prevention.—“The just detestation and abhorrence with which we look on a *Turkish seraglio*, and all the appendages relative to the management of it, ought still to increase, when carried to a survey of our *seraglios* in *England*;—I mean our *public brothels*,

brothels, where are to be found numbers of young, beautiful, and once modest and innocent females, who have been seduced and deserted, and are now driven into the horrid necessity of *common prostitution*, to keep them from starving. The doors of these *houses of infamy* are open to every *comer*—the women the temporary property of every *visitor*—filthiness and obscenity defile their conversation, and the most abandoned profligacy attends their actions. *These houses* are accommodated to men of all ranks and degrees, from the highest to the lowest; and lest the plan of lewdness should suffer by being narrowed within the boundaries of walls, every public street, after a certain time of night, exhibits a kind of *itinerant seraglio*, where men are saved the trouble of going out of their way:—they are met by numbers of women, whose language and behaviour are too shockingly indecent to mention, and who seem so far to have obliterated every trace of *female delicacy*, as to retain nothing which can bespeak them to be women, but their mere shape.

“LET us, from these scenes of horror, turn our eyes to the *wards* of a *public hospital*, to which the harpies are consigned by the force of a *disease*, which, after having communicated to numbers of men, threatens their own destruction. Here may be seen *female ruin* in its last stage of ignominy and misery. The bloom of youth, the gracefulness of form, the beauty of features, are fled and gone; and the whole frame dissolving into corruption, rottenness, and dust. The mind, equally contaminated with the body, exhibits a hideous mixture of remorse, ignorance, guilt, stupidity, hardness, and despair.”—Thelyphthora, vol. II. p. 86, 87.

CERTAINLY this is inconsistent with good policy, and disgraceful to human nature—proceeding in the first place from *luxury* and *sensuality*, and rising to its present enormous height from the *relaxation* of our laws; but if this is not the case, and no law in being can restrain it, there is no remedy but compelling the *seducer*, if unmarried, to *marry* the woman he seduces—or, if a married man, to *maintain* her. But, I am fully persuaded,
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were our laws rigorously enforced, they would put a stop to the seducing arts of our forward youth; and as to *houses of infamy*, our law considers them as *public nuisances*;—and they may, upon *indictment*,* be SUPPRESSED and FINED. But it is with *these*, as with our poor laws:—gentlemen do not seem willing to try what they can do;—till they have done this, and found them insufficient, it is quite absurd to introduce others; and particularly so, if they are found liable to equal or greater objections. All *innovations* upon our national system of laws, must be attended with great temporary inconvenience; but when these are ill-digested, so that they will, in the ordinary course of things, be productive of equal or greater mischiefs than they pretend to prevent, they deserve the warmest opposition. Innovators themselves speak a very different language; but that is not to be wondered at. In all attempts to overturn systems, it is common to endeavour, first of all, to persuade men that they are ill-governed, are under *absurd*

* 1 Hawk. P. C. 198, 225. Blackstone's Commentaries, B. iv. C. 13

and *vicious* customs—*prejudices*—*vulgar errors*—and *superstition* :—But in general there is more of pride and self-conceit in these attempts than real benevolence. It is very flattering to *human vanity*, when some scheme of *seeming piety* is invented, which promises to set the projector above the *common level* of mankind, even if it is but in his own ideas. But sober men will think for themselves, and will not be led away “ by the
 “ sleight of men, and cunning craftiness,
 “ whereby they lie in wait to deceive.”—
ἐν πανουργίᾳ πρὸς τὴν μεθοδικὰν τῆς πλάνης—*in craftiness for
 the methodical inculcation of error.*—Eph.
 ch. iv. ver. 14.

AFTER turning my thoughts from scenes of debauchery, prostitution, ruin, and deceit, I can contemplate with great pleasure the advantages of modesty and delicacy in the fair sex, and honour and virtue in the other : these advantages I need not recite ; suffice it at present to say, that many fair examples we have of this kind among those of the higher, as well as of the lower, orders of the community ;—many examples we have of *conju-
gal*

gal fidelity and *matrimonial happiness*; and it ought not to be the least encouragement to our imitation that we have the *best example* in the *bigbest place*. Whether what I have said, in conformity to the *law* of God, and in defence of *our national system of laws*, relative to marriage, tends more to the security of these things so desirable to society, than what a late writer has said, must eventually be determined by the *public voice*.

WHEN the discerning reader has candidly revolved in his mind the above positions, and others that may incidentally arise from them, he will, probably, see deep into the *vile* and *iniquitous scheme* of *Polygamy*. When he considers it as repugnant to the laws of Heaven he will condemn it, whatever sanction it may have from any other authority: but when he calls to mind its baneful consequences, which are not restrained within the limits of private families, but extend themselves to the community at large, he must execrate it; and when considered as destructive of the just rights and the happi-

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ness of mankind, nay often of their lives, he may say in the language of Virgil :

Tristius haud illis monstrum, nec sævior ulla
Pestis et ira Deum Stygiis sese extulit undis.

“ A heavier scourge was ne’er design’d

“ By hell itself to plague mankind.”

Æn. lib. 3, l. 214, 215.

THOSE who wish well to the *public*, nay that do but consult the peace and comfort of *themselves* and *families*, can have nothing to do with this practice, but to abhor the very thoughts of it; and in commendation of *monogamy* contrasted with the contrary practice, must say with old Horace :

Felices ter et amplius

Quos irrupta tenet copula: nec malis

Divulsus querimoniis

Suprema citius solvet amor die.

Lib. 1. Ode 13, l. 17,—20.

Thrice happy they, in pure delights,
Whom love with mutual bonds unites;
Unbroken by complaints or strife,
Ev’n to the latest hour of life.

FRANCIS,

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IN this distracted and corrupted state of things, there is a possibility of a man's being unhappy with a single wife,—which is no objection to marriage; because not essential, but only accidental. But it is impossible he should be exactly in the same predicament as with several wives. However, I do not say that these objections are insuperable, let the divine law be what it will. All conditions of human life have their inconveniencies; but to attend to these, in a way which is prohibited by God's law, is folly and impiety in the *superlative degree*. With respect to the arguments brought against polygamy from its intolerancy in civil society, as this practice stands condemned by the word of God, we may safely attend to them; but if it had been unnoticed there, they would be sufficient to convince us of the inexpediency of it. In reality it is such an offence against domestic order, and the due political regimen of states, that even if the Bible had not determined it either lawful or unlawful, *expediency* would declare against it.

BEFORE I conclude this chapter, I beg leave to recommend to my fair country-women to pity their *frail sisters*, and to use every means in their power to rescue them from distress and ruin. This benevolence would be well extended, in particular to such a one, as having offended with the man of *her choice*, is afterwards abandoned by him. Custom, arbitrary and undistinguishing, has consigned such women to infamy equally as prostitutes; but certainly there is a very material difference. The woman, who from a principle of lust or avarice, sells or bestows her favours promiscuously, is a WHORE, according to the true and radical import of the word, *וְהוֹרָה*, or *πορνη*; but that the woman, who gives her person into the possession of the man she loves merely to be *his only*, should be so denominated, seems to me repugnant to the just idea of those terms, and to the Bible; however it must be admitted that she is guilty of an indiscretion, of impurity and *unclean-ness*; but not to such a degree as to deserve to be detested and despised by society. Was the odium to fall on its proper object, the *seducer*, it would be a check upon that artifice,

fice, cruelty, and caprice, which characterize modern gallants : Add to this, a great flood-gate of prostitution would be stopt. *Child-murder* and the procuring abortion would be prevented, and the undesigning female, saved to herself, her friends, and mankind, would return to industry, instead of repairing to a brothel loaded with infamy. However these observations may be received, certain I am, that they proceed from the same principles that induced me to write this book, the love of mankind, and a benevolent intention of securing and promoting their happiness.

IF in the above thoughts, deduced from *facts* and *universal experience*, with those that are immediately *scriptural*, I have suggested any thing which tends to secure the weaker sex against the *injustice*, *oppression*, and *lust* of the stronger :—any thing that tends to preserve their *rank* in *life*—*their happiness*—*matrimonial endearments*—and the *obligations* of *marriage*, as enjoined by our *wise Creator*, or in defence of our *national system of laws* relative thereto, as it is conformable to that *heavenly system*—I have gained the object I had

had in view. Actuated only by a desire to promote the *public good*, and to support the JUST RIGHTS of Eve's fair daughters, I am singularly careless about what learned critics may say of this treatise, considered merely as a composition ; and as it is writ more with a view to general information, than to controversy, the lateness of its appearance can be no objection. If sincerity of heart and honesty of intentions entitle writers to candour from the public, I shall hope for it, and particularly from that more amiable part whose cause I have defended. Truth is truth, however mean its appearance, or however humble the person from whom it comes ; therefore the author expects it will, in the present instance, be attended to, though not honoured with a *great name*. The author's only remaining wish is, that his readers may impartially and attentively consider the evidence brought against polygamy, on the footing of nature, reason, and that consciousness of right and wrong, which is never far remote from undegenerated minds, as also what is said in defence of our national system relative to marriage, and for the prevention
of

of prostitution ; and that they may weigh the whole in the *balance* of the *sanctuary*, and attend, or not attend, accordingly to what is here inculcated.

C H A P. VII.

On the MARRIAGE-ACT.

AS a necessary appendix to the foregoing sheets, which have for one principal object the defence of our system of laws relative to marriage, I now proceed to take a view of Stat. 26 Geo. II. ch. 23. As there is no specific charge directly brought against this law, I am rather at a loss how to shape an answer to its opposers : but as the opposition of our modern declaimers seems levelled against our whole matrimonial system, in what I have to say, I shall have an eye to that, as well as to the particular *provisions* of the *marriage-act*, which I do not intend to debate clause by clause, but to contemplate the *chief matters* just as they happen to occur to me, after having adjusted some preliminaries.

THE PROPAGATION of our species is necessary, for evident purposes, and nature has
been

been particularly careful to secure it :—indeed it may be called her primary dictate, and can only be said to be equalled by the desire of self-preservation, with which it is intimately connected. With respect to the mutual desires subsisting between the two sexes, they are not sinful in themselves ; but on the contrary *lawful*, and may, and ought, to be gratified, being necessary for the preservation of the species—not, however, by the loose and intemperate commerce of the sexes, which Nature, Reason, and Scripture abhor, but by the chaste medium of the *marriage-bed*. Promiscuous amours, abhorrent from all our ideas of decency and propriety, fatal to the increase of mankind, their virtue, and their happiness, can never be endured in civil society. As *marriage* is necessary for the multiplication of mankind, and for the preservation of the national virtue—which is proved by universal experience, it ought to meet with general encouragement, and uniformly has in all well-regulated societies : and this doctrine ought to be particularly attended to in this land of freedom, where POPULATION must in
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some measure supply the want of territory, and, in conjunction with freedom, give vigour to trade and commerce, the *basis* of our national greatness. How population may be promoted I have already hinted. I am not fond of the immediate schemes of statesmen:—let them take care to do no mischief; let them not smother the fire of youth, and the business of MARRIAGE and POPULATION will go on equal to the most sanguine expectations.

ALSO, if what politicians tell us be true, that the wealth and strength of nations are their *numbers*, which seems to have been a maxim of the wise legislators of Greece and Rome, and of Moses the Jewish legislator, to which I will subscribe, provided they are *industrious*, I mean the members of the state in general; then restraints upon marriage, greater than the good of society requires, must be injurious and impolitic. Throwing undue restraints in the way of marriage is not only detrimental to the public by preventing the increase of the people, and particularly of the lower class,—that most useful
part

part of the community ; but is further injurious to the public, and as Judge Blackstone observes, “ to religion and morality, by encouraging licentiousness and debauchery amongst the single of both sexes ; and thereby destroying one end of society and government, which is *concubitu prohibere vago*.” Comment. b. i. c. 15.

THE passion, *love*, being designed by nature to be *stronger* than reason, to circumscribe it rigidly by prudence would be acting in opposition to the *preservation* of our species, but to restrain it too much by human laws, I mean more than the good of society requires, is counteracting the *intentions* of *nature* and of Heaven. In this state of things marriage may be considered as an act of passion rather than of prudence ; however *all prudential* feelings ought not to be subdued ; because that would be productive of very *inconvenient* discretions, which becoming general would ripen into *national evils*. When I reason in this manner, it is not from sordid motives ; but from a consideration of the moral effects, and the consequent real happiness

piness of mankind. For though I would not have passion wholly to triumph over reason, yet no one detests more than I do that wretched set of mankind, who refer every object to *personal interest*. When I consider the different situations of youth, as indulged or opposed in their inclinations, I find myself inclined to declare, not against the laws of my country, but against *paternal severity*. A little imprudence, relative to marriage, may be the source of industry; the married pair may live happy and virtuous, and may procure a competency, whereby the first error is retrieved; whereas on the contrary, very different is the probable situation of youth wantonly checked in the wishes of their hearts; *these* they are apt to indulge unlawfully, and instead of advancing in that honourable walk which I have just mentioned, they step backwards into the *devious walks* of *vice*. When youth are inconsiderately deprived of the object of their choice, consequences disagreeable and ruinous may be expected. On the side of the male, dissipation, folly and debauchery; on that of the female, if there is great delicacy of constitution,

stitution, death; or else, equally lost to her friends and the public; she herds with those abandoned and wretched women, where *disease* soon puts a period to a disgraceful and hated life; and thus ends many a fine woman, who might otherwise have been ranked among the most *amiable of wives and of mothers*. This proceeds not from any defect in our system, but from the *abuse* of discretionary power lodged with parents and guardians. I know that the idea of establishing this authority in a parent has been reprobated by an able orator†; which is founded merely, as he says, on the parent's reason and experience being greater than those he should govern, and this is represented as the universal plea of despotism, public as well as private. Certainly this is an ingenious way of arguing, but there is every reason to suppose that parents will act as much from *parental feelings*, as the dictates of experience and matured judgment. And with respect to paternal injunctions in particular, certainly they must be sweetened with the *feelings* of the *father*;—it is not in human nature to do other-

† Hon. C. Fox.

wife. I can no more admit that the generality of parents can wish their children ill, or oppose their real happiness, than I can think the Creator of mankind neglectful of their good. It would be an insult to the understanding of mankind to say, that the hoary head of age is not more capable of forming *just ideas* of mundane happiness, than youth unexperienced and unthinking. If then parents are thus circumstanced, the trust reposed in them has a *rational* foundation. In the Bible no doctrine is more plainly taught than that children owe a *reverential obedience* to their parents, and by the law of Moses, contumacy was punished with great severity. With respect to the affair of marriage in particular, the *consent* of the father was essential to it. Every reason that is brought for this, will hold equally for that of the mother, or guardians, to whom *parental care* is delegated. But should the obtaining the consent of the mother or guardians be impracticable, from their being “in parts beyond the seas,” or “*non compos mentis*,” or if they be “induced UNREASONABLY and by UNDUE MOTIVES to *abuse the trust* reposed in them, by refusing

refusing their consent to a proper marriage," then upon application by petition to the Lord Chancellor, he will proceed upon the petition in a summary way, and if the proposed marriage be proper, it will be judicially declared so by an order of Court, and may afterwards be solemnized*, because this order supplies the want of consent.

No provision however is made in case the father should be *unreasonably forward*, or labour under any mental or other incapacity. Whether under these circumstances, from the general reason of the law, the Court of Chancery would grant redress, is properly the business of *professional men* to determine. It is to be wished that this remedy was less expensive, and brought nearer home to the parties; under the civil law, which our municipal law in this case has partly followed, it was administered by the judge, or the president of the province. However society may determine in future about the power I have just been mentioning, whether to vest it solely in the Lord Chancellor, from the idea of his being the *guardian* of all infants,

* 26 Geo. II. c. 33, Sect. 12.

and *unsettled*, which must be a terrible inconvenience to individuals and society.

AFTER revolving the matter in my mind, I feel myself totally averse to giving up *parental authority*, the security of which is the principal object of our *matrimonial laws*; indeed reason, scripture, and the good of society forbid it. The moment that this authority is superseded, a source of inconveniences to society, and distress to private families, are opened. Then would youthful precipitancy and imbecility of judgment be exposed to all the arts of *experienced deceit*; then would folly begin its reign, and youth, rash and precipitate, would be *heedlessly* plunged into an abyss of wretchedness, misery, beggary, and ruin. Indeed it would be very imprudent to demolish or even lower those salutary bulwarks, the *formalities* of the *Marriage-Act*, which are raised against the *artifices* of designing men, and the fatal consequences of the LEVITY of youth. It is necessary to domestic order and the good of society, that there should be filial subordination—the elements of government; but yet

the luxuries of warm climates, neither the law nor I object to their being made happy with *parental consent*, respectively with the man of their choice; but without this consent not only our municipal law, but also the canon and civil law, oppose it, and also the LAW OF HEAVEN.

THESE provisions, with respect to age, do not owe their existence to modern invention; they have long obtained, and experience has proved them wise. This policy prevailed long in France* and Holland, and other countries governed by the civil law—or, to speak more properly, modifications of it—before it was adopted here. But though the civil law, being partly of Pagan origin, cannot therefore be justified in every particular, yet in this, which I am contemplating, it is highly commendable, because not repugnant to the word of God, and a source

* In France the sons cannot marry without parental consent, till they are thirty years old, nor the daughters till twenty-five; but in Holland the sons may marry without consent of parents at twenty-five years of age, and the daughters at twenty.

of *private convenience* and *public advantage*. No general rule can be laid down for all nations in regard to the age of consent, on account of the differences of climate and food, and the progress of learning. Even in the same country, it may be necessary to change the time from a change of circumstances : from the advancement of learning, the arts and sciences, the increase of trade and commerce, and the introduction of foreign luxuries, accelerating the perfection of the powers of the mind and body, it would be proper to date the age of consent proportionately earlier,—or later, as these decline. Among us, though there are instances of early maturity of judgment, yet these are not general enough to warrant any alteration.

HAVING said thus much in defence of our system respecting marriage, so far as its preliminaries seem concerned, I must now come nearer to its completion. What is, or is not, *marriage*, may be a question of no small importance. The formalities of marriage of any country, duly performed, is a *good civil*

civil marriage. Though these may justly be different in different countries for *civil purposes*; yet the DIVINE ORDINANCE of marriage—I mean what constitutes it in the sight of the Deity—must be always the *same*. When we reason about marriage, we must consider it in two points of view:—first, as a *divine ordinance*, and as such regulated by *divine law*, where we discover every thing that is *essential*;—secondly, as a *civil contract*, and as such the object of *human laws*:—and in this latter, if wisdom directs, we mark what is *expedient*—what is for the security, and declaratory, of the former. If these pre-requisites for forming a judgment on marriage are duly attended to, we shall not confound expediency with necessity, or put the inventions of men in the place of the ordinance of Heaven.

THE Bible is by no means silent on the subject of marriage,—there we find that neither *personal knowledge*, nor *cobabitation alone*, constitute it. As to the *essence* of it, from an united view of the Scriptures, that appears to me to be the consent and solemn
union

union of the two ONLY by paternal permission. Whatever is more than these is adventitious ; and whatever does not tend to their security, is foreign and unnecessary :—but whatever supercedes these is ANTISCRIPTURAL and IRRELIGIOUS. But with respect to the description of marriage—by union, I do not mean mere communication of persons, which is but a privilege, but the solemn junction in the name of God.—“ Consensus, non * concubitus, facit nuptias,” is a maxim of the civil law, and I look upon it as just, supposing, agreeable to Scripture, a reservation of the father’s authority. Among the Jews, from the testimony of Sacred History, *betrothing* seems to have been marriage :—this was not private, but notorious, and attended with some solemnity, and carried into execution by the friends of the parties upon their consent obtained. Without the consent of the father, marriage could not be solemnized, even if a man had gone so far as to take possession of the person of his daughter. In conformity to the Jewish be-

* Fornication is neither marriage, nor the beginning of marriage.—Basil. Can. 26. Johnson’s Translation.

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things, I suppose our ecclesiastical law, from VERBAL PROMISES of marriage *de presenti*, or, in case of cohabitation, *de futuro*, compelled the celebration of it *in facie ecclesiæ*. But parliament, less severe than the canonists, from a consideration of the difference of promises of marriage, made immediately in the presence, and with consent of friends, from those that are private, precipitate, and indiscreet—a distinction before unattended to, for the security of parental consent, and to avoid the civil inconveniencies of bringing together FORCIBLY two that hate each other, by Stat. 26 Geo. II. c. 33. annulled the above-mentioned proceeding. However, the law, as it now stands, detesting *breach of promises*, and willing to secure mutual confidence among mankind, allows and directs an action upon the case, and heavy damages. When there are mutual promises of marriage, and the man has taken possession of the person of the woman, which the ecclesiastical law denominates a marriage *de facto*,—if then she, by the laws of her country, could *claim* him as *her husband*, one source of prostitution would be frustrated, and

“ So

“ So many of the SEX would not, in vain,
“ Of FAITHLESS men, and BROKEN VOWS,
“ complain.”

BUT to return from what is incidental to my present subject, to a topic of argument under it:—As consent of the parties, and the concurrent consent of the father, are in the Bible made *necessary* to matrimony; and as our laws make certain provisions for the security of all these, which being observed, constitute VALIDITY, we cannot, therefore, think them antiscriptural, or unscriptural. PARENTAL AUTHORITY was sacred among the people of God; and when we reverence it with respect to the commerce of the sexes, we reverence the law of God. The law of God relative to marriage must be collected from an united view of the Old and New Testaments. The notion of antiquating any of the divine laws, and leaving them out of the *Christian System* is as *absurd* as it is *dangerous*. Whatever law is not merely calculated for a particular people under particular circumstances, but is evidently for the good of society, must be still in force; and
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in this case it is as solid a maxim as in human jurisprudence:—" Ubi eadem ratio ibi " idem jus,"—*where the reason of it is the same, there the law must be the same.*—Having added these cautions, I will proceed to the formalities of marriage.

IT is not this or that MATRIMONIAL CEREMONY that constitutes marriage in the sight of the Deity, though this constitutes a CIVIL marriage; but the *consent of the two*, and also *parental*, sanctioned by the solemn denunciation, " they shall be one flesh."—Although ceremony cannot be said to be of the essence of marriage; yet it is so *highly expedient* for the purposes of civil society, and the security of religion itself, that it would be madness to neglect it. Indeed some ceremony has been used, in this case, by all nations antient and modern; and tho' their ceremonies have been different, we may see REAL OR INTENDED piety in all of them, which proves that they thought the obligations of marriage sacred, and that they could not be secured inviolable without some formalities. On the contrary, was every thing

thing left to the private agreements of the parties themselves, men would take and abandon women as fancy or humour led them; and the commerce of the sexes would be such a scene of *debauchery*, as even the annals of heathenism never recorded. Certainly it is within the authority of civil government to prevent disorders of this kind; and not only so, but to prescribe rules for enforcing the *public recognition* of God's ordinance: and those who live together as husband and wife, without conforming to those rules, deserve to be deprived of the benefits of society;—nay, to be accounted INFAMOUS, and to be PUNISHED. In the present degenerated state of things, the interference of the magistrate, in regard to matrimony, is absolutely necessary; and all societies have a right to prescribe rules in this matter, and every other, for the due order and regulation of their respective members, and those who will not conform, deserve to lose the privileges thereof, which cannot be thought unreasonable, if those rules are not inconsistent with, or repugnant to, the word of God. In short, the state has a right to insist upon
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some security for the cohabitation of the parties, their support of each other, the religious education of their children, and all the duties of marriage, whether relating to themselves or their offspring. To prevent confusion in regard to genealogies, pedigrees, and inheritances, as also the distinction of personal property, as well as that of wives from virgins, it is necessary that the matrimonial service should be PUBLIC, otherwise it would be ineffectual to the NOTORIETY of the contract; for private records, incorrect and little to be depended on, could not be admitted in evidence;—or rather, indeed, no records at all;—no credible witnesses could be produced, which would be productive of great confusion in human affairs. But for the security of this PUBLICITY, which is necessary in a civil view of the matter, a magistrate's house may be thought equal to the church, and a magistrate as competent, for the performance of the marriage-ceremony, as a clergyman. But, besides the necessity of the matrimonial contract being made PUBLIC, it is absolutely necessary that it should be formed upon principles

THOUGHTS

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principles of religion :—for this reason the PRIMITIVE FATHERS recommended the intervention of the Bishop ; and the LATER FATHERS, upon their authority, made the presence of an ECCLESIASTICAL person essential to an honourable marriage. Those marriages that were infamous ; that is, such as were prohibited by the Divine Law, but not by human laws, were stigmatized by being denied SACERDOTAL BENEDICTION ;—they could not be either prevented or annulled ;—because then Christians were unaided by the civil power. I know it has been asserted, by some respectable authorities, that Pope Innocent the Third was the first that consigned the celebration of marriage entirely to the clerical order. Judge Blackstone, who notices this matter, does not assert it as a fact, nor does he adduce a single testimony in support of it. He gives it as his opinion, that “ the intervention of a Priest ” is “ not *juris naturalis aut. divini* ; ” for which he assigns the following reason :—
“ *It being said that Pope Innocent the Third was the first who ordained the celebration*
of

of marriage in the church."*—I must confess I was once led away by this plausible error; but, upon reading the *Fathers*, I immediately adjured it: for there I found *ecclesiastical jurisdiction*, relative to marriage, inculcated in words too plain to be questioned or mistaken. If then *apostolical tradition* has any weight in our explanations of the New Testament, we shall soon determine what, in this case, is scriptural. That the solemnization of marriage should belong to the priesthood in particular, seems agreeable to the intention of the New Testament, and apostolical direction. St. Paul teaches, that marriage should be only in the Lord, (*μόνον ἰν Κυρίῳ*, 1 Cor. vii. 39.) St. Ignatius teaches the very same doctrine, (*κατὰ Κυρίου*, Vid. Epist. ad Polycarp.) and that it may be carried into effectual execution, he advises the intervention of the Bishop.—Ignatius was the disciple of St. John, the Apostle and Evangelist.

BUT upon a supposition that this matter was left indifferent by the word of God, and

* Comment. on the Laws of England, b. i. ch. 15.

the opinions of primitive Christians, yet still legislators have a right to confine marriage to a certain description of men, as to the civil effects, and to have a *form* prescribed accordingly: As to our *matrimonial service*, it is as *proper* and as *decent* as any that can be thought of, and certainly is very much to the credit of the compilers. These formalities have additional sanction, if they are declaratory of, and coincident with, the ordinance of God. As to *this*, it cannot change, let human laws command what they will. Errors in philosophy do not change the laws of nature; nor do they depend on human systems:—so neither do errors in divinity alter the divine ordinance relative to marriage; nor does it depend on human laws:—therefore it would be very wrong to subscribe to the truth of any thing merely because it is publicly received.

FROM a view of the first marriage in Paradise, and from the necessity of solemnity in so sacred an institution, we discover many reasons for *some* person of authority to give the woman to the man upon their mutual consent,

consent, and to pronounce them husband and wife in the name of God. But though I argue for a priest upon the authority of the *fathers*, yet I am tender of saying that those marriages are not valid, which are ratified and confirmed by magistrates, whom the Scripture denominates God's *vicegerents*. In the times of the grand rebellion all marriages were celebrated by magistrates; and these were declared valid by stat. 12 Car. II. cap. 33*. It seems that the wisdom of the then parliament judged them valid before; in the sight of God, but as they were informal, they were not so as to civil purposes, therefore they were declared valid in this respect also, without any fresh solemnization.

OUR laws make the interference of a clergyman essential to marriage; as to its

* The *sentiments* of that Parliament will best appear by the preamble to this Act: "Whereas by virtue or colour of certain ordinances, or certain pretended acts, or ordinances, divers marriages since the beginning of the late troubles, have been had and solemnized in some other manner than hath been formerly used and accustomed: Now for the preventing of all doubts and questions touching the same, It is enacted," &c.

formalities at, or previous to, the solemnization, these have been various.—Since they are not of the essence of marriage, no solid reason can be assigned why they may not change with an alteration of circumstances. However, I by no means attempt to justify the contradictory statutes that have been made on this occasion. In the reign of Henry VIII. the idea of marriage, merely to accommodate the humour of that Prince, seems to have been involved in great obscurity and inconsistencies.

THE ecclesiastical jurisdiction, in this country, being subordinate to the civil, must be directed by the acts of the legislature. But as far as I can collect the *independent* opinion of the church, from a review of *all the Canons and Decisions*, it seems to be, that informality in marriage is a forfeiture of civil privileges, but does not entirely vacate the obligation itself.—By informality, I mean those ceremonies which properly come under the regulation of human government.—A civil marriage must, in some measure, be a creature of the state ; but it would be wrong
to

to make it supercede the *divine institution itself*; therefore instead of declaring ALL informal marriages “ void to all intents and purposes whatsoever,” a declaration that does not seem to be built on the revealed word of GOD, or any apostolic constitution ; as a *friend to Revelation*, I think it more consistent with Christian legislation to say, to “ CIVIL intents and purposes whatsoever ;” to which the constitutional powers of parliament indisputably extend ; and probably it was so intended by the original framer of the bill.

THOUGH some of our formalities of marriage, so far as the divine law is concerned, are not matters of necessity ; yet they are most certainly, very *expedient*. And however ingeniously speculative writers may make distinctions between necessity and expediency, the latter, under certain circumstances, may approach so near to the former, that it ought, as such, to be paid almost equal attention to ; and therefore, by no means to be totally neglected. Influenced by this view of things, I argue for some particular place for marriage to be performed in, and some

particular men for it to be performed by; and as it is not only a civil but also a *religious* contract, and in the very nature of it, a most *solemn one*; I think that is most consistent with every idea of DECENCY, PROPRIETY, and DUE SOLEMNITY, that its OBLIGATIONS should be ratified and confirmed at the SACRED ALTAR. For the same reasons I conclude it *best* that marriage should be performed by a person in orders; and what is *best*, is *fittest* to be done; and what is *fittest* to be done, *ought* to be done; and there is an end of the dispute. “The Church of England, though she does not consider marriage as a sacrament, yet looks upon it as an institution so SACRED, that it ought always to be celebrated by an *ECCLESIASTICAL person.” BROUGHTON, Hist. lib. title, MARRIAGE.—To which I readily subscribe.

I COULD say many things more in favour of the intervention of an ECCLESIASTIC, which I omit, lest it should be thought that

* This is founded on the opinions and practices of the primitive Church—and must be considered as an institution absolutely *apostolical*.

I am

I am only contending for the power, influence, and wealth of that order of men to which I belong. However I have no right to sacrifice truth merely to convince the world I have laid aside *professional* prejudice.

HAVING spoken to the circumstances of person and place, that of *time* seems next to claim our attention. Though the laws of God and of nature know no distinction of times, relative to the celebration of matrimony, yet the time appointed by our canon and statute-law cannot but be thought highly adviseable; for certainly the morning, when men are *cool* and *considerate*, is the only fit time for concluding a compact as lasting as life. Were restrictions of this kind removed, a man of family, fortune, and worth, during intoxication, might be joined to a prostitute. Indeed was it *indifferent* as to time and place, for tying legally the bridal knot, such distress to families, and eventually to society, would ensue, as are not easily expressed. The consent of the father, which Scripture makes *absolutely necessary* to marriage, would be wholly neglected. If then

the formalities of the *Marriage-Act* are expedient for the security of what the Bible holds SACRED ; so far as they are directed to that end, the want of them ought to invalidate marriage ; and they do not deserve to be denominated *odious, cruel, unnatural, or irreligious*. To which I will add, that for uniformity's sake, they ought to be complied with in all cases. In reality, *clandestine marriages* in general are never attempted but from some *sinister views*. Who complains of the provisions of the Marriage-Act, but designing men, fortune-hunters, and disobedient children ?—But why not complain of the law of God ?—Those that will not conform, deserve to lose the privileges of marriage. I might strengthen this reasoning by arguments drawn from the obedience that we owe to governors ; without favouring slavery or the doctrine of passive obedience ; but at present let a bare hint suffice. Besides, these provisions are necessary for the security of the happiness of mankind, by preventing them from marrying rashly and indiscreetly.

WHEN I contemplate these several matters,
and

and find the *Marriage-Act*, from the general tenor of it, for the good of society, and not repugnant to the divine law ; whether it owes its support to aristocratic consequence, or the wisdom of experience, is an enquiry I am totally indifferent about. There is no doubt but it is flattering to the pride of rank, as it throws temporary obstacles in the way of plebeians marrying with the unthinking daughters of the nobility and gentry. Undoubtedly it is odious to fortune-hunters, because very unfavourable to their schemes. But those things have no weight with me ; nor the consideration, which deserves more attention than what I have just been mentioning, that some *avaricious* parents make this law stoop to very selfish and contracted views. Cases of this kind may happen, but they can be but few ; and therefore scarce deserve mentioning, when we reflect on the many good advantages resulting from the security of parental authority. And further, when I consider that the *Marriage-Act* had for its father the greatest lawyer this country has to boast, equally famed for his ability and humanity ; I am not a little prejudiced in its
favour ;

favour ; but when I view it as calculated for the good of society, and the happiness of mankind, I cannot but declare myself its friend ; and therefore think those positions very wrong, which represent it as founded on the sordid principles of a few noble families, who, to gratify their avarice, pride, or ambition, formed restrictions oppressive to the whole people. It is undoubtedly calculated to prevent *precipitate love-matches* between thoughtless boys and giddy girls, which are better prevented, because they generally terminate in mutual misery. It is not a boyish passion, precipitate and temporary, something like the sudden glare of lightning, dazzling for a while, but soon extinguished, that will form the basis of matrimonial happiness ; but the warm affection of *disinterested friendship* ;—this will lay a foundation for kindness, complacency, and endearments as lasting as life ; and on this basis

—“ Love’s a gen’rous passion

“ Which seeks the happiness of her we love.”

LEE—RIVAL QUEENS.

But

But the other, very different in itself and motives, will soon be succeeded by the most cool indifference.

GENTLEMEN, who condemn the *wise regulations* of the MARRIAGE-ACT, do not seem to recollect the evils that gave rise to it; these having ceased, they are forgot; but remove the barriers that keep out the overflowings of *civil mischiefs* from *clandestine marriages*, and they will return with their malignancy; so would experience soon condemn a precipitate abrogation of the stat. 26 Geo. II. c. 33. Before it, as history and living witness inform me, the great facility of marriage caused such *infamous scenes* to be exhibited, both in the metropolis and in the country, as well-regulated societies are concerned to discountenance and abhor. Not only the prostitution of the *sacred institution* itself; but such unequal, profligate, and iniquitous marriages were the effects thereof, besides many other ill consequences fatal to families, their peace, and their happiness, that the *interference* of the *legislature* became absolutely *necessary*. There
was

was previous to the passing this act, a penalty of 100*l.* laid on every clergyman for celebrating informal marriages, by several * statutes. But the *Fleet-parsons*, who generally officiated on those occasions, being already in prison, of course, dreaded not the penalty : therefore it was found necessary to make the offence felony, but within benefit of clergy ; the punishment of which, as the law now stands, is the being sent on board the *Justitia* at Woolwich. To this penalty the legislature superadded, as a preventive, a declaration of nullity if the parties did not conform to the rules laid down in the act. Probably these penalties did not arise so much from a consideration of the moral turpitude of the thing, as from the *civil inconveniences* it drew along with it. But however this be, I am conscious that this statute has remedied and prevented those crying enormities, that existed by the abuse of the liberty enjoyed before it ; however the nation may feel on this occasion, I must give my hearty dissent to the annulling regulations, the wisdom, the

* 6 and 7 Will. III. chap. 6. 7 and 8 Will. III. chap. 35. And 10 Ann, chap. 19.

advantage, and the necessity of which are proved by happy experience. Did the evils here guarded against affect none but their immediate objects, it would be less intolerable to society were mankind left to their imprudence and their folly; but the case is, they are of much more extensive consequence;—*families* are involved herein, *parochial œconomy* is materially affected; *order and decency* are subverted in the community at large; all which, by their combined evil tendencies, threaten the subversion of civil society. For these, and several other reasons, obvious to every discerning man, I think it would be wrong to give up the *formalities* of marriage: and I also conclude that want of age, without consent of parents, or guardians,—their representatives, as also want of reason, do rightly constitute inability to contract matrimony. As there should be ability to contract, so also there should be *will*, I mean the mutual consent of the *two*; which many think the principal matter. The Civilians argue that a mutual contract *per verba de præsentis* is *ipsum matrimonium*. Besides ability and will, to make marriage

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marriage *valid* in the sight of God, there should be a *solemn contract*; add to this, that it should also be according to *due form of law*; to entitle it to the advantages, privileges, and immunities of society. As the act under consideration, with respect to the formalities prescribed by it, has for its object, the ascertaining *parental consent*, without which, by the law of God there could be no marriage; it is not to be wondered at, as these formalities are the best that can be thought of, whether with respect to their immediate objects, or the sacredness of the obligation itself, that they are made essential to marriage. I have no doubt that the want of the father's consent during minority, on the authority of Scripture, ought to annul a marriage, however solemnized. I know that by 4 and 5 Ph. and M. c. 8, that whoever married a woman child, under the age of sixteen years, without this consent obtained, was only subject to a fine, or five years imprisonment, and her estate, during her husband's life, was to go to, and be enjoyed by, the next heir. Whether it may be expedient to re-introduce this policy, with respect to informal marriages,

marriages, where the consent of the parents is not wanting or necessary, I leave to the consideration and determination of superior wisdom. Undoubtedly the idea of *uniformity*, which is certainly necessary in ceremonies and solemnities, occasioned the denunciation of nullity on all marriages not conformable to the rules laid down for their legitimacy.

I BEG leave once more to remind mankind, that if the *penalties* of the *marriage-act* were removed, and no similar ones enacted, all the ill consequences that this law was made to prevent, would ensue. And for this reason I do not hesitate to pronounce the arguments brought for that purpose, notwithstanding they may be well meant, *groundless* and *delusive*. Many severe things have been said of this statute, but as they are not proved, they cannot be attended to.—But waving this consideration :—What must we think of a repeal, when there is nothing like a substitute provided in its stead? What can we think of demolishing one system, without building up another that may be productive of equal or greater advantages?—
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These are objections that are insuperable, and have been already advanced by a noble and learned Lord, equally eminent with respect to his abilities as his station. Certainly, under such circumstances, to abrogate the Marriage-Act, would not be liberal, nor sound policy.

F I N I S.



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